

BOHEMIA RETAIL PROJECT

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

Adopted by

Placer County Planning Commission

July 8, 2010

TABLE OF CONTENTS

Section	Page
1. Introduction.....	1
2. Description of the Project	1
3. Procedural History	4
4. General Findings.....	6
A. Impacts Determined to be Less-Than-Significant	7
B. Potentially Significant Impacts Reduced to Less-Than-Significant Through Mitigation Measures	9
4.1 Biological Resources.....	9
4.2 Cultural Resources	13
4.3 Transportation and Circulation	14
4.4 Air Quality	20
4.5 Noise	23
4.6 Soils, Geology, and Seismicity	25
4.7 Hydrology and Water Quality	28
4.8 Public Services and Utilities	32
4.9 Hazardous Materials and Hazards.....	36
4.10 Initial Study.....	38
5. Significant Impacts Which Remain Significant and Unavoidable.....	40
5.1 Transportation and Circulation	40
5.2 Air Quality	41
5.3 Transportation and Circulation (Cumulative)	42
5.4 Air Quality (Cumulative).....	45
6. Alternatives	49
6.1 No Project Alternative	51
6.2 No Canal Street Access Alternative.....	52
6.3 Mixed Use Alternative.....	60
7. Statement of Overriding Considerations.....	62
8. Conclusion	64

1 INTRODUCTION

The Bohemia Retail Project (“project”) has been considered by the Placer County Planning Commission, as the decision-making body of Placer County (County), the lead agency for the project under the California Environmental Quality Act (CEQA). The environmental analysis contained in the Environmental Impact Report (EIR) for the project provides a thorough evaluation of significant and potentially significant effects on the environment that would occur as a result of project development and alternatives to the project.

The State CEQA Guidelines state the following regarding approving a project in Public Resources Code, Section 21081:

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Because the EIR identified significant effects that would occur as a result of the project and in accordance with the provisions of the State CEQA Guidelines, the Planning Commission hereby adopts these findings as part of the approval of the project. Absent an appeal of the Commission’s decision on the project to the Placer County Board of Supervisors, the Commission’s decision will be final.

Notably, in response to public input, and consistent with the policy of CEQA of substantially lessening or avoiding the significant environmental effects of proposed project to the extent feasible, the applicant for the project opted not to pursue the project in its original form (i.e., the “proposed project” discussed in the draft EIR) and to pursue instead what the Draft EIR called the No Canal Street Alternative, which would avoid many of the concerns raised in public comments. The Planning Commission agrees with this approach, and has approved the No Canal Street Alternative rather than the original proposed project. For the sake of clarity, the term “project,” as used in the rest of these findings, will refer to the project in its final form – that is, the No Canal Street Alternative. The original “proposed project” will be referred to as the “originally proposed project.”

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Draft EIR or Final EIR and adopted by the Commission, and state the Commission’s findings on the significance of each impact after imposition of the adopted mitigation measures, accompanied by a brief

explanation. Full explanations of these environmental findings and conclusions can be found in the Draft EIR and Final EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Planning Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR and Final EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

2 DESCRIPTION OF THE PROJECT

The Placer County Zoning Code designates a majority of the site as Commercial Planned Development, Combining Design Scenic Corridor, with Airport Over-flight (CPD-DC-AO). The portion of the site formerly owned by Pacific Gas & Electric (PG&E), APN 052-102-053 and -017, is designated Industrial Park, Combining Design Scenic Corridor, with Airport Over-flight (INP-Dc-AO). The *Placer County General Plan* (PCGP) and *Auburn/Bowman Community Plan* (ABCP) land use designations for the project site include Commercial and Industrial.

The proposed project includes the construction of a 155,000-square-foot retail building on 18.62 acres. It should be noted that the future tenant (or tenants) for the project has not been determined at this time, and the future tenant(s) could be selected during or after improvements to the site. The proposed project has the potential for a range of products and services for the retail consumer. The tenant(s) could include a discount club store, a discount superstore, a home improvement center or a general retailer. It should be noted that the project would potentially allow for a portion of the site to be used as an outdoor garden center or lumberyard. Because specific tenant(s) have not yet been identified, the Draft EIR evaluates two project options – a discount club store and a discount superstore – in order to evaluate the potential environmental impacts resulting from a range of uses. Although the project could potentially include a home improvement center or a general retailer, these uses were determined to be less intensive than the discount club store or the discount superstore. Because the ultimate tenant is not known, the Draft EIR was designed to analyze the worst-case scenario in order to mitigate for all potential environmental impacts, the development options have been focused on the discount club store and the discount superstore.

Development Options

As both development options would include the same project footprint, features (discussed below) and proposed improvements, the primary difference between Options 1 and 2 are the projected trip generation to and from the project site. Where applicable, the Draft EIR includes subsequent analysis to address the specific impacts for each development option.

Discount Club (Option 1)

The discount club option assumes that the retail portion of the project site would include a 155,000-square-foot club store. The discount club option is anticipated to employ approximately 200 full- and part-time employees and operate seven days a week from 6 AM to 12 AM. A typical club store stocks a variety of retail products. Based on the equations and worksheets presented within the ITE Trip Generation Handbook, the proposed discount club option would generate approximately 6,024 new trips.

Discount Superstore (Option 2)

The discount superstore option assumes that the retail portion of the project site would include a 155,000-square-foot superstore. Superstores stock everything a regular discount store does, but also includes a full-service

supermarket and may have a garden center, pet shop, pharmacy, tire & lube express, optical center, one-hour photo processing lab, portrait studio, and numerous alcove shops, such as cellular phone stores, hair and nail salons, and video rental stores. The discount superstore option is anticipated to employ approximately 200 full- and part-time employees and operate seven days a week from 6 AM to 12 AM. Based on the equations and worksheets presented within the ITE Trip Generation Handbook, the proposed discount superstore option would generate approximately 7,334 new trips.

Both project options would include a fueling station surrounded by parking and landscaped areas. The proposed fueling site would have a canopy with a kiosk and approximately nine multi-purpose dispensers containing a total of 18 pumps. Access to the dispensers would be provided from the west side of the canopy location, which is south and west of the retail building in the parking field. Motor vehicle access is proposed via the same access serving the retail store. The proposed parking design for both options would include up to 717 parking stalls, 17 special needs spaces, and two van-accessible stalls. The design requirements for circulation and landscaping would be required to comply with Placer County standards in the Placer County Design Guidelines Manual and the ABCP.

The project includes the following entitlement approvals from Placer County:

- *Conditional Use Permit* – The project requires County approval of a Conditional Use Permit to allow the construction of a retail structure and a fueling station.
- *Design Review* – The County must review and approve the project Site Plan.

Infrastructure and Off-Site Improvements

Extensive on-site grading activities would occur, including the export of approximately 70,000 cubic yards of fill material. Fiddler Green Canal would be routed into a subterranean pipe that follows the same general north-south direction, until exiting into the same culvert underneath Canal Street to the southeast. In addition, the project would include the following off-site improvements: a new driveway, curb, gutter, sidewalk, and landscape improvements, as well as widening of northbound New Airport Road per Mitigation Measure 8-2.

Water

The project would include construction of an on-site 10-inch looped fire system, which would connect to existing and proposed 8-inch water lines along Canal Street and then to the existing 12-inch main in Luther Road via Canal Street. The 12-inch water line in Luther Road is connected to the Channel Hill storage tank. Approximately eight fire hydrants would be constructed as part of the project's fire system to meet minimum spacing requirements. Using the Uniform Fire Code, the fire flow requirement for the project was estimated to be 8,000 gallons per minute (gpm). According to the Water Study, given that the building will be sprinklered, the fire flow requirement for the project can be reduced from 8,000 gpm to 4,000 gpm.

Sewer

The project site is located in the service area boundary of Sewer Maintenance District No.1 (SMD-1). For sewer service, the project will be required to connect to New Airport Road due to capacity restrictions at the SR 49 siphon. As part of this project, Placer County is requesting that the applicant accept 275 EDUs from an upstream shed located northeast of the project and direct flows through the site to an existing sewer line in New Airport Road in order to bypass the SR 49 siphon. It should be noted that the project would include the construction of the infrastructure that would be necessary to provide sewer service to the project site, which would include the following improvements: remodeling an existing manhole in Canal Street; construction of a sewer line that would run northerly and westerly along the rear and the northerly side of the proposed building to a point in the Union Pacific Railroad (UPRR) right-of-way (ROW), then run parallel to the UPRR across Wise Canal to a point that

aligns with a sewer in a newly constructed project at New Airport Road and SR 49; and boring of the new sewer under the UPRR and connection to the final leg of the sewer, which would run to New Airport Road. It should be noted that although the project would include construction of off-site sewer infrastructure, the improvements would be entirely contained within the UPRR ROW or other paved ROW, both of which are already highly disturbed, and impacts to existing resources would not result.

The project would construct a connection to an existing manhole at the north property line to the proposed new sewer line through the project in order to abandon an existing back lot sewer line (Dyer Court) at the property's north boundary, subject to approval by the Facility Services Environmental Engineering Division. SMD-1 will be responsible for the cost of this line that transports only wastewater generated off-site (the connection to Dyer Court).

Drainage

The natural drainage of the vacant, approximately 18-acre project site is from the east to the southwest. Approximately 45 acres of residential runoff from neighborhoods located to the north also flow onto the project site, along a ditch adjacent to the railroad tracks. Before entering the site, the drainage is partially diverted by two 16-inch pipes and a culvert. In addition to the northern drainage, a Memorandum of Understanding (MOU) between the Auburn 49 Associates and the County allows 18 cubic feet per second of drainage from the east to enter the project site. The project would include the additional drainage as stated in the previous MOU. A 36-inch storm drain was recently completed west of the project site. The new storm drain connects to an existing 42-inch storm drain that crosses SR 49, which was originally designed and installed for conveyance of runoff across SR 49 from future development on the subject property. The 42-inch storm drain ultimately connects to a 48-inch and a 54-inch storm drain outlet near the Auburn Honda site, which is approximately 1,000 feet southwest of the project site.

The project would include a stormwater detention system underneath the parking areas in the western area of the site. The detention system would include an array of 60-inch diameter pipes for an approximate total of 2,200 linear feet. Once collected, the stormwater would be transported across Wise Canal in a 36-inch pipe that connects to the existing stormwater infrastructure previously discussed. It should be noted that the 36-inch storm drain pipe and other site improvements (e.g., grading, curbs, etc.) within 75 feet of the centerline of Wise Canal would require approval by the Federal Energy Regulatory Commission (FERC). The FERC is an independent agency that regulates the interstate transmission of natural gas, oil, electricity, and hydropower projects and oversees energy industries in the economic, environmental, and safety interests of the public.

Project Objectives

The following project objectives have been identified by the applicant:

1. Develop a 155,000-square-foot retail building.
2. Provide a retail project that will provide a variety of products to serve an unmet demand of consumers in Placer County.
3. Provide a retail development that will result in a fiscal benefit to Placer County providing new sales tax and property tax revenues.
4. Provide a retail development in close proximity that will result in reduced travel lengths for Placer County residents.
5. Provide a retail development that can readily be served by existing infrastructure and result in benefits to the County in the construction of new sewer lines.

6. Provide a retail development that will provide synergy with a new recently constructed retail project adjacent to the site.
7. Provide a retail development that will create new jobs.
8. Provide an infill retail project that will clean up a partially blighted site consisting of abandoned concrete slabs, pipes and retaining walls.
9. Implement the Placer County General Plan Land Use Policy, the Auburn/Bowman Community Plan Land Use Plan and the North Placer County Redevelopment Agency's Land Use Plan to develop a retail project on this property.
10. Design and construct a retail building that will provide a buffer between the residential neighborhoods to the north and east and more intensive commercial/industrial uses to the south and west, with the end goal of a retail project that is not only compatible on all fronts with its adjoining uses, but also contributes to an overall sense of community in the area.

Based on its own review of the EIR and other information and testimony received in connection with the Specific Plan, the Planning Commission finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the project, the Commission thus embraces these objectives virtually as the County's own, and accords them weight in considering the feasibility of alternatives set forth in the EIR, and in invoking overriding considerations in approving the Project. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508; *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoiah Hills*).)

3 PROCEDURAL HISTORY

The County issued a notice of preparation to prepare an EIR for the Bohemia Retail Project on December 8, 2008 and held a public scoping meeting on December 16, 2008. The County prepared a Draft EIR and released it for public comment on January 19, 2010. Public comments on the Draft EIR were received through March 4, 2010 and a public hearing on the Draft EIR was held in front of the Planning Commission on February 25, 2010. Responses were prepared to all significant environmental issues raised in public comments. The County published and released the Final EIR along with an associated Notice of Availability (NOA) on June 16, 2010. Subsequently, an amended Notice of Availability (NOA) for the Final EIR was released by the County on June 25, 2010, informing the public of the availability of an Erratum to the Bohemia Retail Final EIR. The Erratum to the Final EIR consists of (1) A modification of List of Commenters to add nine individuals, whose comments were received by the County within the 45-day public comment period for the EIR, but were inadvertently omitted from the Response to Comments, (2) all nine comments in their entirety, and (3) responses to these comments. As is demonstrated in the Erratum, nearly all of the comments presented in the two additional letters (120 and 126) have already been addressed in the Final EIR responses to comments (see Chapter 3 of the Bohemia Retail Final EIR). In addition, the seven additional petitions included in the Erratum are duplicates of those already included in Chapter 3 of the Bohemia Retail Final EIR (see Letters 45 through 104), with the exception of a few individual comments provided in the "Additional Comments" section of the petitions. However, as demonstrated in the Erratum, these "Additional Comments" are already addressed throughout the previously released Final EIR for Bohemia Retail.

The County gave due notice of the public hearing to be held by the Planning Commission to consider and act upon the Final EIR for the project, and a public hearing was held before the Planning Commission on July 8, 2010.

After closing the hearing to public comment, the Planning Commission, having considered the Final EIR as prepared for the project (which includes the Draft EIR dated January 2010 and the Final EIR, dated June 2010), the comments of the public, both oral and written, and all written materials in the record connected with the Draft and Final EIR, and the project, makes the following findings:

1. The Final EIR has been prepared in accordance with all requirements of State CEQA Guidelines.
2. The Final EIR, including the Erratum to the Final EIR, was presented to and reviewed by the Planning Commission. The Final EIR with associated Erratum was prepared under the supervision of the County and reflects the independent judgment of the County. The Planning Commission has reviewed the Final EIR and associated Erratum, and bases the findings stated below on such review and other substantial evidence in the record.
3. The County finds that the Draft EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the Draft EIR is sufficient to carry out the purposes of such analysis under State CEQA Guidelines.
4. The Planning Commission hereby certifies the Final EIR with associated Erratum as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the project approval and makes the following specific findings with respect thereto.
5. The Planning Commission agrees with the characterization of the Draft EIR and Final EIR with respect to those impacts identified as "less-than-significant" and finds that those impacts have been described accurately and are less-than-significant as so described in the Draft EIR and Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced by mitigation measures to a level characterized in the Draft EIR and Final EIR as less-than-significant or impacts characterized in the Draft EIR and Final EIR as significant and unavoidable. Each of those impacts and the mitigation measures adopted to reduce them are dealt with specifically in the findings below.
6. The Planning Commission agrees with the characterization of the Draft EIR and Final EIR with respect to the following impacts: Impact 8-6, "Impacts to lane queuing under the Short Term Plus Project scenario;" Impact 9-2, "Impacts related to a temporary increase in NO_x emissions;" Impact 18-5, "Impacts to intersections under the Cumulative Plus Project scenario;" Impact 18-6, "Impacts to arterial segments under the Cumulative Plus Project scenario;" Impact 18-8, "Impacts to lane queuing under the Cumulative Plus Project scenario;" Impact 18-9 "Cumulative impacts to regional Air Quality;" and Impact 18-10, "The project could potentially result in a cumulatively considerable incremental contribution to the global production of greenhouse gases." These impacts are identified as significant and unavoidable because feasible mitigation does not exist to fully reduce project-level and cumulative transportation and circulation impacts or cumulative air quality impacts to less-than-significant levels.
7. All mitigation measures proposed in the Draft EIR and Final EIR are adopted and incorporated into the project.
8. The Mitigation Monitoring and Reporting Plan (MMRP) will apply to all mitigation measures adopted with respect to the project pursuant to all of the project approvals, and will be implemented.

9. The mitigation measures and the MMRP have been incorporated into the Conditions of Approval for the project and have thus become part of and limitation upon the entitlement conferred by the approval of the project.
10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Draft EIR and Final EIR for a more complete description.
11. The Community Development Resource Agency is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

4 GENERAL FINDINGS

The County has reviewed the Final EIR and associated Erratum for the originally proposed project and alternatives, consisting of Responses to Comments on the Draft EIR, Revisions to the Draft EIR Text, and the MMRP. The County has also considered the public record on the project. In addition to this Statement of Findings, the public record for the project is composed of the following elements, as well as the mandatory elements of a record set forth in Public Resources Code section 21167.7, subdivision (e) (a full reference list is provided in Chapter 20 of the Draft EIR):

- Barnett, Bruce D. Ph D. *Updated Biological Resources Chapter for Bohemia Subdivision Project*. March 2009.
- Bollard Acoustical Consultants, Inc. *Environmental Noise Assessment for the Bohemia Retail Project EIR*. May 29, 2009.
- California Department of Toxic Substances Control. *No Further Action Letter for Bohemia Subdivision Project, Auburn, Placer County, California*. December 20, 2007.
- Charles Lockwood Consulting Engineer, Inc. *Phase I Environmental Site Assessment for Bohemia Parcels APN 052-102-012, -013, -017*. June 8, 2004.
- Doucet & Associates, Inc. *Drainage Study for Bohemia Retail Project*. January 29, 2009.
- Doucet & Associates, Inc. *Sanitary Sewer Study for Bohemia Retail Project*. September 18, 2009.
- Doucet & Associates, Inc. *Water Study for Bohemia Retail Project*. May 26, 2009.
- Economics Research Associates. *Placer County Urban Decay and Fiscal Impact Analysis: Redevelopment of the Former Bohemia Lumber Company Site*. March 6, 2009.
- España Geotechnical Consulting. *Geotechnical Investigation Report for the Proposed Bohemia Residential Development*. December 2, 2004.
- España Geotechnical Consulting. *Phase I Environmental Site Assessment Update for the Proposed Bohemia Residential Development*. November 2004.
- Foothill Archaeological Services. *Cultural Resource Evaluation of the Bohemia Lumber Company Site*. February 11, 1988.

- GHH Engineering, Inc. *Revised Soil Sampling & Assessment Report (Phase II Soil Investigation)*. June 6, 2006.
- Gibson & Skordal, LLC. *Updated Delineation of Waters of the United States*. January 20, 2009.
- Martin, Brian C. *"Development of Bohemia Lumber Mill Site – Fire Flow Capacity."* Placer County Water Agency. April 21, 2009.
- Omni-Means, Ltd. *Bohemia Retail Transportation Impact Analysis Report*. December 2009.
- Omni-Means, Ltd. *Supplemental Analysis Memo*. December 2009.
- P&D Consultants. *Bohemia Subdivision EIR*. November 2006.
- Peak & Associates, Inc. *Cultural Resources Assessment of the Auburn Bohemia Property*. July 3, 2006.
- Placer County. *Auburn/Bowman Community Plan*. 1994 (updated 1999).
- Placer County. *Countywide General Plan Policy Document*. August 16, 1994.
- Placer County. *Countywide General Plan EIR*. October 1993.
- Placer County. *Placer County Code, Chapter 17, Zoning*. August 1995 (amended through January 2009).
- Placer County. *Placer County General Plan Background Report*. August 1994.
- Raney Planning and Management, Inc. *Bohemia Retail Draft Environmental Impact Report* (State Clearinghouse #2001042086). January 2010.
- Raney Planning and Management, Inc. *Bohemia Retail Final Environmental Impact Report* (State Clearinghouse #2001042086). June 2010.
- Wallace Kuhl & Associates, Inc. *Revised Geotechnical Engineering Study for Bohemia Retail Project*. October 20, 2008.
- Yamasaki Landscape Architecture. *Arborist Report*. June 2000.

The Planning Commission has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the Planning Commission or County staff as part of the County files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the Planning Commission was aware in approving the Auburn Bowman Community Plan (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to County Staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the Planning Commission's decisions relating to the approval of the project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

After reviewing the public record, as composed of the aforementioned elements, the County hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines.

IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT

Except as stated otherwise in certain cases below, the County agrees with the characterization in the Draft and Final EIR with respect to all impacts initially identified as “less-than-significant” and finds that those impacts have been described accurately and are less-than-significant as described in the Draft and Final EIR. This finding applies to the following impacts:

- 4-1 Compatibility with existing adjacent land uses.**
- 5-7 Impacts related to the movement of native wildlife species.**
- 5-8 Impacts to local plans and policies from project development.**
- 6-1 Disturbance or destruction of historical resources on the project site.**
- 7-1 Impacts to the existing visual character or quality of the site and the site’s surroundings.**
- 7-2 Impacts associated with new sources of light and glare.**
- 8-5 Impacts to freeway ramp merge/diverge sections under the Short Term Plus Project scenario.**
- 8-7 Impacts to traffic operations at the TWSC to the Plaza Project.**
- 8-8 Impacts to vehicular safety from design features or incompatible uses.**
- 8-9 Impacts to vehicular safety from design features or incompatible uses.**
- 8-11 Impacts to transit facilities.**
- 9-3 Impacts related to an increase in CO emissions.**
- 9-4 Impacts related to long-term increases of criteria air pollutants.**
- 9-6 Impacts to nearby sensitive receptors from odors associated with the project.**
- 10-2 Traffic-related noise impacts as a result of project implementation.**
- 10-4 Potential aviation noise could disturb sleep patterns of new sensitive receptors within the project site.**
- 11-1 Risks to people and structures associated with seismic activity, including surface rupture, seismic shaking, subsidence, and/or landslides.**
- 12-4 Impacts to groundwater availability.**
- 12-6 Impacts to important surface water resources (i.e., Lake Tahoe, Folsom Lake, Rock Creek Reservoir, etc.) in watershed.**
- 13-3 Impacts related to increased demand for solid waste disposal.**
- 13-4 Impacts related to the provision of adequate gas and electricity, cable, and telephone services for the project.**
- 14-2 Impacts related to exposure to hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school.**
- 14-3 Impacts related to airport land use plans.**
- 15-1 Loss of availability of a known State, regional, and/or locally valuable mineral resource.**
- 16-1 The project would include services that would compete with existing businesses, including general retailers and groceries, in Placer County to the extent that those businesses would close and the resultant vacancies would contribute to physical deterioration and urban decay.**
- 18-1 Increases in the intensity of land uses in the region due to the project and all other projects in Placer County.**
- 18-2 Cumulative loss of biological resources in Placer County and the effects of ongoing urbanization in the region.**
- 18-3 Disturbance or destruction of previously unknown archaeological resources in combination with other development in Placer County.**
- 18-4 Long-term impacts to the visual character of the region from the project in combination with existing and future developments in the Auburn/Bowman area.**
- 18-7 Impacts to freeway ramp merge diverge sections under the Cumulative Plus Project scenario.**

- 18-11 Cumulative increase in project vicinity noise levels.
- 18-12 Long-term geologic and seismic impacts from the project in combination with existing and future developments in the Auburn-Bowman area.
- 18-13 Long-term increases in peak stormwater runoff flow related to the project and in combination with existing and future developments in Placer County.
- 18-14 Increase in demand for additional public services and utilities as a result of the project and other projects proposed in the Placer County area.
- 18-15 Long-term hazards and hazardous materials-related impacts from the project in combination with existing and future developments in Placer County.
- 18-16 Long-term impacts to the mineral resources of the region from the project in combination with existing and future developments in the Auburn-Bowman area.
- 18-17 Cumulative socio-economic impacts of the project.

POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT THROUGH MITIGATION MEASURES

4.1 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS PLANT SPECIES (IMPACT 5-1)

The project site could contain suitable habitat for the following special-status plant species: Brandegee's clarkia (*Clarkia biloba* spp. *Brandegeeae*). Although the project site could contain appropriate habitat (oak trees) for Brandegee's clarkia, results of previous field observations did not identify the presence of this species on the project site. However, if present, construction and operational activities associated with the project could impact Brandegee's clarkia species, resulting in a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to special-status plant species.

5-1 *Prior to the issuance of a grading permit, the project applicant shall be responsible for retaining a qualified biologist to conduct a focused spring bloom survey to determine the presence or absence of Brandegee's clarkia (Clarkia biloba spp. Brandegeeae). The survey shall be conducted by a qualified biologist during the identification periods for the Brandegee's clarkia. If the species is not found to be present during the focused bloom survey, then no further action is required.*

However, if Brandegee's clarkia is found, a mitigation plan conceived from consultation with the California Department of Fish & Game shall be prepared and submitted to the County. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant. Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of property that supports the plant species.

Implementation of the above mitigation measure would reduce Impact 5-1 (Impacts to special-status plant species) to a less-than-significant level because focused surveys would be conducted prior to grading that would confirm or deny the presence of the identified potentially occurring special-status plant species. In addition, the mitigation measure provides performance standards for additional measures if any of the species are found during the surveys (including avoidance and/or preservation).

SIGNIFICANT EFFECT: IMPACTS TO RAPTORS AND MIGRATORY BIRD SPECIES (IMPACT 5-2)

The blue oaks and non-native annual grasslands located on-site would offer potential foraging and nesting habitat for the following bird species: Cooper's hawk, red-tailed hawk, red-shouldered hawk, white-tailed kite, American kestrel, golden eagle, and other "raptor" species, as well as the purple martin, horned lark, and yellow warbler. Field observations conducted during field surveys did not identify any of these species or active nests of these species. However, due to suitable habitat being present on the project site for each species, this is considered to be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to raptors and migratory bird species.

5-2 *If project development activities occur during the breeding season for any of these species, a pre-construction survey shall be conducted by a qualified biologist no more than 30 days prior to any ground disturbance activity. The CDFG considers the breeding season of protected bird species to be January 1 to August 31 of any given year.*

The project applicant shall be responsible to coordinate with the CDFG for the pre-construction survey(s) and implementing any measures required to avoid disturbance to the Cooper's hawk, red-tailed hawk, red-shouldered hawk, white-tailed kite, American kestrel, golden eagle, and other "raptor" species, as well as the purple martin, horned lark, and yellow warbler. If any active nests or burrows of such species are found to be on-site, construction activities shall not occur within 500 feet of the nest until the young have fledged. If determined by a qualified biologist, other restrictions may be imposed on construction activities in the vicinity of any active nest(s). If construction activities are scheduled outside of the breeding period, then a pre-construction survey is not required.

Implementation of the above mitigation measure would reduce Impact 5-2 (Impacts to raptors and migratory bird species) to a less-than-significant level because the measures require pre-construction surveys during breeding seasons for any of the species, and if said surveys confirm the presence of any raptors or migratory bird species, construction activities shall not occur within 500 feet of any nest until the young have fledged and, if determined by a qualified biologist, other restrictions may be imposed on construction activities in the vicinity of any active nest(s).

SIGNIFICANT EFFECT: IMPACTS TO WESTERN BURROWING OWL (IMPACT 5-3)

The project site is located within the easternmost extent of potential western burrowing owl range along the Great Central Valley. In addition, the project site is within an area that is designated as potential winter habitat for the species. Three documented occurrences of the western burrowing owl were recorded within 20 miles of the project site, but these occurrences are approximately located 13, 16, and 19 miles west of the project site and at substantially lower elevations. As such, project activities are not expected to result in the destruction of burrows or foraging habitat adjacent to occupied burrows. However, due to suitable habitat being present on the project site, this is considered to be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to western burrowing owl.

- 5-3(a) *Prior to issuance of a grading permit, pre-construction burrowing owl surveys shall be conducted by a qualified biologist, within a 30 day period, preceding the initiation of construction activities on the project site. The pre-construction burrowing owl survey shall be conducted within 250 feet of the project site boundary. Presence or signs of burrowing owls and all potentially occupied burrows shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, further mitigation is not necessary. If burrowing owls are detected, the project applicant shall implement Mitigation Measure 5-3(b).*
- 5-3(b) *Prior to initiation of any construction activities, during the non-breeding season (September 1 through January 31), a non-disturbance buffer of 160 feet, and during the nesting season (February 1 to August 31), a non-disturbance buffer of 250-feet shall be established around each burrow with an active nest until the young have fledged and are able to exit the burrow, as determined by a qualified biologist. In the case of occupied burrows without active nesting, active burrows after the young have fledged, or if development commences after the breeding season, passive relocation, which involves installing a one-way door at the burrow entrance to encourage the owls to move from the occupied burrow of the owls, shall be performed. The CDFG shall be consulted for current guidelines and methods for passive relocation of any owls found on the site.*

Implementation of the above mitigation measures would reduce Impact 5-3 (Impacts to western burrowing owl) to a less-than-significant level because the measures require pre-construction burrowing owl surveys to be conducted and, if burrowing owls are detected, a non-disturbance buffer of 160 feet, and during the nesting season (February 1 to August 31), a non-disturbance buffer of 250-feet shall be established around each burrow with an active nest until the young have fledged and are able to exit the burrow. For occupied burrows without active nesting, active burrows after the young have fledged, or if development commences after the breeding season, passive relocation, which involves installing a one-way door at the burrow entrance to encourage the owls to move from the occupied burrow of the owls, is required.

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS AMPHIBIAN AND REPTILE SPECIES (IMPACT 5-4)

The project site contains on-site habitats (canal and non-native grasslands) that provide suitable habitat for the Western pond turtle and the California horned lizard, respectively. Although neither of these two species was observed during site visits, the development of the project would reduce or eliminate the potential habitat for such species and a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to special-status amphibian and reptile species.

- 5-4 *The project applicant shall be responsible for retaining a qualified biologist to conduct focused surveys for the western pond turtle and the California horned lizard species prior to the development of the project. The focused surveys shall be conducted during the respective breeding season for each species. If either species is found to be present on the project site, the project applicant shall be responsible to notify and coordinate with the CDFG for expert advice and regulatory guidance for further action.*

Implementation of the above mitigation measures would reduce Impact 5-4 (Impacts to special-status amphibian and reptile species) to a less-than-significant level because prior to the development of the project, focused surveys for the western pond turtle and the California horned lizard will be required to be performed during the breeding season for each species. If either species is found, the applicant would be required to notify and coordinate with the CDFG for further guidance.

SIGNIFICANT EFFECT: IMPACTS TO PROTECTED TREES (IMPACT 5-5)

The development of the project would result in the conversion of approximately 2.07 acres of contiguous on-site oak woodland in the northeastern portion of the project site, primarily along the current alignment of the Fiddler Green Canal. In addition, the project would impact five Significant Trees that are 24 inches or greater dbh. Therefore, impacts to on-site oak trees would be *potentially significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to protected trees.

- 5-5 *Prior to approval of the Improvement Plans, the applicant shall submit to the Placer County Tree Preservation Fund payment in the amount of \$65,180 for impacts to oak woodlands. If changes in the project are required during the Improvement Plan process, this figure may be altered provided that it is consistent with County policy. This payment must be received prior to any site disturbance.*

Implementation of the above mitigation measures would reduce Impact 5-5 (Impacts to protected trees) to a less-than-significant level because, pursuant to the County's Oak Woodland Policy, which recommends payment of \$24,000 per acre of woodland impacted to be deposited into the Placer County Tree Preservation Fund, the project applicant would submit to the Tree Preservation Fund a payment in the amount of \$65,180 for impacts to oak

woodlands. The Tree Preservation Fund is used to plant and maintain trees on publicly owned property, to acquire easements of right-of-way, and for educational programs and materials.

SIGNIFICANT EFFECT: IMPACTS TO JURISDICTIONAL WATERS OF THE UNITED STATES AND WATERS OF THE STATE (IMPACT 5-6)

The development of the project would result in direct impacts to 0.05 acres of seasonal wetland seep. The seasonal wetland seep was determined to be jurisdictional waters of the U.S. as the area sustains long periods of saturation and inundation, most likely due to groundwater seepage from the Fiddler Green Canal located adjacent to the wetland. Because development of the project would fill in the on-site seasonal wetland seep, a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to jurisdictional waters of the United States and waters of the State.

- 5-6(a) *To the extent feasible, the project applicant shall be responsible for the preservation of on-site water resources. If on-site preservation is not possible, the project applicant shall be responsible to coordinate with the USACE for an in-lieu fee program, which may include, but not be limited to, a local resource conservation bank, to offset the 0.05 acres of seasonal wetland (jurisdictional Waters of the U.S.) from project implementation. The required ratio for restoration of impacts to the 0.05 acres of seasonal wetland shall be determined by the resource agencies as part of the permitting process.*
- 5-6(b) *The applicant shall apply for a USACE Nationwide 39 Permit. If granted, the project applicant shall be responsible to ensure that all development activities adhere to the permit terms and requirements.*
- 5-6(c) *Subsequently, the project applicant shall also apply for a USACE pre-construction notification. If granted, the project applicant shall be responsible to ensure that all development activities adhere to the permit terms and requirements.*

Implementation of the above mitigation measures would reduce Impact 5-6 (Impacts to jurisdictional waters of the United States and waters of the State) to a less-than-significant level through either preservation of on-site resources or payment of an in-lieu fee to the USACE, as well as applicable permitting with the USACE.

4.2 CULTURAL RESOURCES

SIGNIFICANT EFFECT: DISTURBANCE OR DESTRUCTION OF PREVIOUSLY UNKNOWN ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES ON THE PROJECT SITE (IMPACT 6-2)

According to the cultural resources assessment, the project would not disturb Native American sacred lands. However, sedimentary rocks and volcanic rock sedimentary materials are present throughout the County and could contain fossil remains of prehistoric animal and plant life; therefore, paleontological resources could exist

on the project site. The possibility exists that previously unknown archaeological and/or paleontological resources could be discovered on the project site during construction activities. Should areas containing evidence of prehistoric or historic period activity, such as buried hearths, areas of discolored sediment containing shell, broken fragments of silicate rock, bone, sacred land, or concentrations of historic period (greater than 45 years old) refuse or features be uncovered, a **potentially significant** impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to disturbance or destruction of previously unknown archaeological and paleontological resources on the project site.

- 6-2(a) *During ground disturbance activities, if any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), work shall be halted in the immediate area of the find and shall not be resumed until after a qualified archaeologist, in coordination with the County Planning Department, has inspected and evaluated the deposit and determined the appropriate means of curation.*
- 6-2(b) *During construction, if any bone is uncovered that appears to be human, the County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be contacted to identify most likely descendants.*

Implementation of the above mitigation measures would reduce Impact 6-2 (Disturbance or destruction of previously unknown archaeological and paleontological resources on the project site) to a less-than-significant level because upon discovery of any resources or bone, all work would be stopped until the deposit is inspected and evaluated by a qualified archaeologist and/or the County Coroner. All finds would be appropriately curated.

4.3 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: IMPACTS TO TRAFFIC FLOW FROM CONSTRUCTION TRAFFIC ASSOCIATED WITH DEVELOPMENT OF THE PROJECT SITE (IMPACT 8-1)

Construction activities would result in numerous disruptions to the transportation system in and around the project area (grading, excavation, demolition, etc.). Heavy vehicles would access the project area for delivery of materials and removal of soils and debris. Although the import of fill material is not included into the project design, the proposed project would export approximately 70,000 cubic yards of soils to an off-site location, which would require additional dump trucks on the roadways. Construction vehicles would also need to be staged for construction. Short-term construction activities and staging of construction vehicles and equipment could result in degraded roadway operations. Project construction activities would result in impacts to vehicle and pedestrian access in and around the project area, resulting in a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to traffic flow from construction traffic associated with development of the project site.

- 8-1 *Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer.*

Implementation of the above mitigation measure would reduce Impact 8-1 (Impacts to traffic flow from construction traffic associated with development of the project site) to a less-than-significant level because the County Traffic Engineer would review the striping and signing plan, traffic control devices, and construction signing plan to ensure safe flow of traffic during construction.

SIGNIFICANT EFFECT: IMPACTS TO INTERSECTIONS UNDER THE EXISTING PLUS PROJECT SCENARIO (IMPACT 8-2)

Under the Discount Club scenario, implementation of the proposed project would create/exacerbate the unacceptable LOS at the intersection of Bell Road/New Airport Road (Intersection #13) for at least one peak hour. In addition, under the Discount Superstore scenario, the same intersection (Intersection #13 – Bell Road/New Airport Road) is predicted to operate below the target LOS of C during the PM peak hour. The predicted reduction in LOS for the abovementioned intersection under the Existing Plus Project scenario (for both Options 1 and 2) would be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to intersections under the Existing Plus Project scenario.

Bell Road/New Airport Drive (Intersection #13)

- 8-2 *The project applicant shall be responsible for constructing the following improvements on northbound New Airport Drive:*
- *Widen northbound New Airport Drive to provide an exclusive left-turn lane; and*
 - *Modify the signal to accommodate right-turn overlap phasing for northbound New Airport Road.*

This intersection is not included in the improvements list outlined within the Countywide Capital Improvements Program (CIP), Placer County, July 2007. The above improvements would improve "Plus Project" traffic operations back to "No Project" v/c levels.

Implementation of the above mitigation measure would reduce Impact 8-2 (Impacts to intersections under the Existing Plus Project scenario) to a less-than-significant level because the project applicant would construct improvements on northbound New Airport Drive that would improve "Plus Project" traffic operations back to "No Project" v/c levels.

SIGNIFICANT EFFECT: IMPACTS TO INTERSECTIONS UNDER THE SHORT TERM PLUS PROJECT SCENARIO (IMPACT 8-3)

Under the Discount Club scenario, implementation of the proposed project would create/exacerbate the unacceptable LOS at the Bell Road/New Airport Road intersection (Intersection #13) and the Luther Road/Canal Street (Intersection #18) for at least one peak hour. In addition, under the Discount Superstore scenario, the same two intersections (Intersection #13 – Bell Road/New Airport Road and Intersection #18 – Luther Road/Canal Street) would operate at an LOS below the target LOS of C. The predicted reduction in the LOS of the abovementioned intersections under the Short Term Plus Project scenario (for both Options 1 and 2) would be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to intersections under the Short Term Plus Project scenario.

Bell Road/New Airport Drive (Intersection #13)

8-3(a) *Implement Mitigation Measure 8-2.*

Luther Road/Canal Street (Intersection #18)

8-3(b) *Prior to the approval of Improvement Plans, the project applicant shall pay the applicable fair share fee towards the following improvement to the intersection at Luther Road / Canal Street (Intersection #18) in order to relieve the predicted reductions in the LOS that would result from implementation of the Short Term Plus Project development scenario:*

- *Signalize the intersection.*

Implementation of the above mitigation measures would reduce Impact 8-3 (Impacts to intersections under the Short Term Plus Project scenario) to a less-than-significant level because the project applicant would construct improvements that would improve Short Term Plus Project intersection operations to acceptable levels of service.

SIGNIFICANT EFFECT: IMPACTS TO ARTERIAL SEGMENTS UNDER THE SHORT TERM PLUS PROJECT SCENARIO (IMPACT 8-4)

Under the Discount Club scenario, implementation of the proposed project would cause the Marguerite Mine Road and Edgewood Road and Willow Creek Drive and Bell Road arterial segments to operate at unacceptable arterial segment LOS. All arterial roadway segments along SR 49 predicted to operate at unacceptable LOS under the Discount Club scenario are also predicted to operate at deficient LOS levels under the Discount Superstore scenario. The predicted degradation in the LOS for the two arterial roadway segments is a *potentially significant* impact that would result from implementation of the Short Term Plus Project scenario.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to arterial segments under the Short Term Plus Project scenario.

SR 49 between Bell Road and Willow Creek Drive

8-4(a) *Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at SR 49 / Bell Road:*

- *Restripe the existing northbound (SR 49) right-turn lane between Bell Road and Willow Creek Road to a through-right lane.*
- *Widen the southbound (SR 49) approach to include a 300-foot right-turn lane; with this improvement the southbound approach will include two left-turn lanes, two through lanes, and one right-turn only lane.*
- *Construct appropriate additional receiving lanes as required to accommodate the above improvements.*

SR 49 between Marguerite Mine Road and Edgewood

8-4(b) *Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at SR 49 / Marguerite Mine Road:*

- *Widen the SR 49 segment from two through lanes to three through lanes on the southbound approach between Edgewood Road and Nevada Street/Marguerite Mine Road in order to improve the southbound intersection approach geometrics at SR 49/Nevada Street/Marguerite Mine Road to include one left-turn lane, two through lanes, and a shared through-right turn lane.*

Implementation of the above mitigation measures would reduce Impact 8-4 (Impacts to arterial segments under the Short Term Plus Project scenario) to a less-than-significant level because the project applicant would pay the applicable CIP fee(s) toward improvements that would improve Short Term Plus Project arterial segment operations to acceptable levels of service. These improvements are currently included in the CIP, which is a

reasonable, enforceable program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. Therefore, payment of the CIP fee would guarantee that the needed improvements would be constructed.

SIGNIFICANT EFFECT: IMPACTS TO LANE QUEUING UNDER THE SHORT TERM PLUS PROJECT SCENARIO (IMPACT 8-6)

Under the Discount Club scenario, implementation of the project would result in the following intersection movements along SR 49 having queues greater than the available storage length:

- Northbound left at the intersection of SR 49/Dry Creek Road;
- Southbound left at the intersection of SR 49/Bell Road and southbound through/through-right at the intersection of SR 49/Bell Road;
- Northbound through/through-right at the intersection of SR 49/Edgewood Road; and
- Southbound through/through-right at the intersection of SR 49/Nevada Street/Marguerite Mine Road.

The same five intersection movements along SR 49 under the Discount Club scenario are also predicted to have lane queues greater than the available storage length under the Discount Superstore scenario. The lack of available storage length for the five abovementioned intersection movements under the Short Term Plus Project scenario is a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level, with the exception of Mitigation Measure 8-6(a), for which the impact would remain significant and unavoidable.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to lane queuing, with the exception of Mitigation Measure 8-6(a), for which the impact would remain significant and unavoidable, under the Short Term Plus Project scenario (therefore, for a discussion of Mitigation Measure 8-6(a), see Section 5.1 below).

Southbound left at the intersection of SR 49/Bell Road and southbound through/through-right at the intersection of SR 49/Bell Road

8-6(b) *Implement Mitigation Measure 8-4(a).*

Northbound through/through-right at the intersection of SR 49/Edgewood Road

8-6(c) *Prior to the approval of Improvement Plans, the project applicant shall pay the CIP or fair share fee(s) for the following improvement to the study area queue lengths:*

- *Improve the northbound approach at SR 49/Edgewood Road to include one left-turn lane, two through lanes, and an exclusive right-turn lane.*

Southbound through/through-right at the intersection of SR 49/Nevada Street/Marguerite Mine Road

8-6(d) *Prior to the approval of Improvement Plans, the project applicant shall pay the CIP or fair share fee(s) for the following improvements to the study area queue lengths:*

- *Improve the southbound approach at SR 49/Marguerite Mine Road to include one left-turn lane, two through lanes, and a shared-through right-turn lane.*

Implementation of the above mitigation measures would reduce Impact 8-6 (Impacts to lane queuing under the Short Term Plus Project scenario) to a less-than-significant level because the project applicant would pay the applicable CIP fee(s) toward improvements that would improve Short Term Plus Project lane queuing operations to provide adequate storage. These improvements are currently included in the CIP, which is a reasonable, enforceable program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. Therefore, payment of the CIP fee would guarantee that the needed improvements would be constructed.

SIGNIFICANT EFFECT: IMPACTS TO BICYCLE AND PEDESTRIAN FACILITIES (IMPACT 8-10)

The project includes designs for new pedestrian sidewalks that would connect existing sidewalks in the residential neighborhoods to the project site. The proposed sidewalks would increase the connectivity of the area and are considered to be a beneficial impact. Overall, the construction and operation of the project is not anticipated to impact the local pedestrian and bicycle infrastructure; however, the proposed sidewalks would need to meet the Americans with Disabilities Act (ADA) standards and any related ABCP standards. Therefore, impacts related to on-site and off-site bicycle and pedestrian facilities are considered *potentially significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to bicycle and pedestrian facilities.

8-10 *Prior to approval of any Improvement Plans, the project applicant shall ensure that the sidewalk network meets Americans with Disabilities Act accessibility requirements, subject to the review and approval by the County Planning Department.*

Implementation of the above mitigation measure would reduce Impact 8-10 (Impacts to bicycle and pedestrian facilities) to a less-than-significant level because the County Engineering and Surveying Department would review the Improvement Plans for pathway design compliance with the Americans with ADA and any applicable GBCP standards.

4.4 AIR QUALITY

SIGNIFICANT EFFECT: IMPACTS RELATED TO FUGITIVE PARTICULATE MATTER EMISSIONS AND THE RELEASE OF NOA ASSOCIATED WITH PROJECT CONSTRUCTION ACTIVITIES (IMPACT 9-1).

Maximum construction emissions would occur during the first phases of construction when clearing, earthmoving, and grading occur. Particulate Matter (PM₁₀) emissions generated by the project (up to 121.72 pounds per day) would exceed the PCAPCD threshold (82 pounds per day) without mitigation. In addition, if on-site rocks contain asbestos, grading and construction activities could release asbestos fibers into the environment, if not properly controlled. Furthermore, particulate matter emitted during construction activities would occur near

existing residences, thereby causing a nuisance. Because the project would exceed the PCAPCD threshold established for PM₁₀ emissions, and because the project could result in the release of naturally occurring asbestos (NOA) into the air, a *potentially significant* impact would occur.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to fugitive particulate matter emissions and the release of NOA from project construction activities.

9-1(a) *Prior to the approval of Improvement Plans, the applicant shall submit:*

- i. *A Construction Emission/Dust Control Plan to the PCAPCD. This plan must address the minimum Administrative Requirements found in Sections 300 and 400 of PCAPCD Rule 228, Fugitive Dust. The applicant shall not break ground prior to receiving PCAPCD approval of the Construction Emission/Dust Control Plan. The following link shall be used to calculate compliance with this condition and shall be submitted to the PCAPCD as described above:*

<http://www.airquality.org/ceqa/ConstructionEmissionsMitigationCalculatorv6o03-2007March09.xls>

- ii. *A comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall be updated, beginning 30 days after any initial work on-site has begun, and shall be submitted on a monthly basis throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least three business days prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the PCAPCD with the anticipated construction timeline including start date, and name and phone number of the property owner, project manager, and on-site foreman.*

- iii. *A written calculation to the PCAPCD for approval by the PCAPCD demonstrating that the heavy-duty (50 horsepower or greater) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction as required by CARB. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The following link shall be used to calculate compliance with this condition and shall be submitted to the PCAPCD as described above:*

<http://www.airquality.org/ceqa/ConstructionEmissionsMitigationCalculatorv6o03-2007March09.xls>

- 9-1(b) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall suspend all grading operations when fugitive dust exceeds PCAPCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond property boundary at any time. If lime or other drying agents are utilized to dry out wet grading areas they shall be controlled as to not to exceed PCAPCD Rule 228 Fugitive Dust limitations.*
- 9-1(c) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties.*
- 9-1(d) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: Construction equipment exhaust emissions shall not exceed PCAPCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified to cease operations and the equipment must be repaired within 72 hours. Additional information regarding Rule 202 can be found at: <http://www.placer.ca.gov/Departments/Air/Rules.aspx>.*
- 9-1(e) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: During construction, no open burning of removed vegetation shall be allowed. All removed vegetative material shall be either chipped on-site or taken to an appropriate disposal site.*
- 9-1(f) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall "wet broom" if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. Dry mechanical sweeping is prohibited.*
- 9-1(g) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.*
- 9-1(h) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall apply water to control dust, as required by PCAPCD Rule 228, Fugitive Dust, to prevent dust impacts off-site. Operational water truck(s), shall be on-site, at all times, to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.*

Implementation of the above mitigation measures would reduce Impact 9-1 (Impacts related to fugitive particulate matter emissions and the release of NOA from project construction activities) to a less-than-significant level because implementation of the measures would reduce emissions of PM₁₀ below the PCAPCD threshold of 82 pounds per day as well as prevent the release of NOA during construction.

SIGNIFICANT EFFECT: IMPACTS RELATED TO EXPOSURE OF SENSITIVE RECEPTORS TO TACS ASSOCIATED WITH THE PROPOSED FUELING STATION (IMPACT 9-5).

The project includes a gasoline fueling facility, which is a source of gasoline vapors that include toxic air contaminants, primarily benzene. Gasoline vapors are released during the filling of both stationary underground storage tanks and the transfer from those underground storage tanks to individual vehicles. The project site is bounded on the east and north by residential uses. (The closest residence to the center of the proposed fueling station is located north of the site on the south side of Dyer Court.) The distance between the center of the fueling station and the closest residence would be 800 feet. In addition, the project site is located approximately 275 feet from a PG&E corporation yard where employees would be present. A screening health risk assessment (HRA) that was performed to determine cancer risks at the maximally-exposed residential and non-residential receptors indicated that TACs associated with the proposed fueling station would not exceed the Placer County Significant Risk Thresholds at the anticipated throughput of 9 million gallons per year. However, although TACs associated with the proposed fueling station would not exceed the Placer County Significant Risk Thresholds, the PCAPCD still requires an HRA to be prepared and submitted in conjunction with the submittal of a permit application for construction and operation of the proposed fueling station. Therefore, should an HRA not be prepared for the project, impacts related to the proposed fueling station would be *potentially significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts related to exposure of sensitive receptors to TACs associated with the proposed fueling station.

- 9-5 *In conjunction with the submittal of an Authority to Construct permit to the PCAPCD for the proposed fueling station, the project applicant shall submit for review and approval by the PCAPCD a detailed Health Risk Assessment to ensure the potential risk resulting from the proposed annual throughput for the fueling station will not exceed the risk threshold of 10 in a million.*

Implementation of the above mitigation measure would reduce Impact 9-5 (Impacts related to exposure of sensitive receptors to TACs associated with the proposed fueling station) to a less-than-significant level because the project applicant will be required to submit for review and approval by the PCAPCD a detailed Health Risk Assessment to ensure that the potential risk resulting from the proposed annual throughput for the fueling station would not exceed the risk threshold of 10 in a million.

4.5 NOISE

SIGNIFICANT EFFECT: CONSTRUCTION NOISE IMPACTS (IMPACT 10-1).

Activities associated with the construction of the project would result in elevated noise levels in the immediate project vicinity, with maximum noise levels ranging from 77 to 85 dB at a distance of 50 feet. Construction activities would be temporary in nature and are anticipated during normal daytime working hours. Nonetheless, because construction activities would result in periods of elevated noise levels at nearby sensitive receptors, the development of the project could result in an adverse impact with regard to construction noise. In addition, noise would be generated by increased truck traffic on area roadways during the construction phase. Although exempt,

construction activities associated with the development of the project would result in a temporary increase in noise levels to the adjacent properties and are considered a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's construction noise impacts.

10-1(a) Construction noise emanating from any construction activities is prohibited on Sundays and Federal Holidays, and shall only occur:

- a) Monday through Friday, 6:00 a.m. to 8:00 p.m. (during daylight savings);*
- b) Monday through Friday, 7:00 a.m. to 8:00 p.m. (during standard time); and*
- c) Saturdays, 8:00 a.m. to 6:00 p.m.*

In addition, temporary signs (four feet by four feet) shall be located throughout the project site, as determined by the Design Review Committee, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the disturbance coordinator will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

10-1(b) Fixed construction equipment, which may include, but not be limited to, compressors and generators and/or heavy equipment staging areas, shall be located as far away from sensitive receptors, as feasible. All internal combustion engines shall be fitted with factory specified mufflers. In addition, impact tools shall be shielded or shrouded. Intake and exhaust ports of powered construction equipment shall also be muffled or shielded.

10-1(c) A disturbance coordinator who would receive any public noise-related complaints about construction equipment and practices shall be appointed by the project applicant for the project site. The disturbance coordinator shall be responsible for determining the cause of the complaint(s) and the implementation of any feasible measures to alleviate the complaint(s). The disturbance coordinator's contact information shall be supplied by the project applicant to the Placer County Planning Department, and shall be posted throughout the site and adjacent public spaces.

Implementation of the above mitigation measures would reduce Impact 10-1 (Construction noise) to a less-than-significant level because the construction activities would comply with the County Noise Ordinance, hours would be restricted, and a disturbance coordinator would alleviate any complaints received.

SIGNIFICANT EFFECT: POTENTIAL IMPACTS FROM ON-SITE NOISE SOURCES TO EXISTING SENSITIVE RECEPTORS (IMPACT 10-3).

Project operations could expose existing nearby sensitive receptors to on-site noise levels that exceed applicable noise standards. Sensitive receptors include the single-family residences to the north and east of the project site. On-site activities/sources that have the potential to exceed Placer County noise standards include: truck

1/5

circulation, loading dock activities, trash compactor, rooftop mechanical equipment, parking lot activities, and the outdoor home/garden center public address system. Truck circulation noise, loading dock noise, and parking lot sweeper activity noise were found to create **potentially significant** impacts to nearby sensitive receptors.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's potential impacts from on-site noise sources to existing sensitive receptors.

- 10-3(a) *Prior to the approval of improvement plans, a noise barrier shall be shown on the plans along the boundary of any residential property line (located to the north, northeast, and east) affected from increased noise levels determined in this Draft EIR (shown conceptually in Figure 10-1), for the review and approval of the Placer County Planning Department. A noise barrier six to eight feet in height would be required to reduce future delivery movements and loading dock activity noise levels below the Placer County standards. Barriers could take the form of earth berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provided they have a density of approximately four pounds per square foot.*
- 10-3(b) *Loading and delivery activities shall be limited to the following hours: 6:00 AM to 12:00 AM. These requirements shall be clearly indicated in all contracts between the property owner and truck delivery vendors.*

Implementation of the above mitigation measures would reduce Impact 10-3 (Impacts from on-site noise sources to existing sensitive receptors) to a less-than-significant level because a noise barrier would be required along the boundary of any residential property line (located to the north, northeast, and east) affected by increased noise levels, for the review and approval of the Placer County Planning Department. In addition, loading and delivery activities would be limited to the hours of 6:00 AM to 12:00 AM.

4.6 SOILS, GEOLOGY, AND SEISMICITY

SIGNIFICANT EFFECT: RISKS ASSOCIATED WITH EROSION (LOSS OF TOPSOIL) AND/OR SEDIMENTATION (IMPACT 11-2).

Grading activities in general on and off the project site would result in the disturbance and relocation of topsoils, rendering earth surfaces susceptible to erosion from wind and water. Soil erosion, or the loss of topsoil, resulting from grading and excavation of the project site would be considered a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to risks associated with erosion (loss of topsoil) and/or sedimentation.

11-2(a) *The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to and near the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.*

11-2(b) *All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Design Review Committee (DRC). All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.*

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans,

specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

- 11-2(c) *Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department (ESD)). Construction (temporary) BMPs for the project could include, but are not limited to, the following: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (LDM Plate C-4), Storm Drain Inlet Protection (SE-10), Silt Fence (SE-1), revegetation techniques, dust control measures, and concrete washout areas.*
- 11-2(d) *This project's ground disturbance exceeds one acre and is subject to the construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program. The applicant shall obtain such permit from the State Water Resources Control Board and shall provide to the Engineering and Surveying Department evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction.*
- 11-2(e) *Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.*

Implementation of the above mitigation measures would reduce Impact 11-2 (Risks associated with erosion (loss of topsoil) and/or sedimentation) to a less-than-significant level because all work would comply with the County's Grading Ordinance and required BMPs would be implemented during construction.

SIGNIFICANT EFFECT: LOSS OF STRUCTURAL SUPPORT DUE TO LIQUEFACTION (IMPACT 11-3).

Although the Revised Geotechnical Report prepared for the proposed site concluded that there was a low probability for liquefaction to occur on-site, the boring samples conducted during the geotechnical site survey did not go to a depth of 30 feet and, according to the PCGP Background Report, only borings approximately 30 feet deep could reveal whether or not the soils on-site are prone to liquefaction. Therefore, a possibility exists for liquefaction to occur on-site, which could result in a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts related to loss of structural support due to liquefaction.

11-3 Submit to the Engineering and Surveying Department (ESD), for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- *Road, pavement, and parking area design;*
- *Structural foundations, including retaining wall design (if applicable);*
- *Grading practices;*
- *Erosion/winterization;*
- *Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.); and*
- *Slope stability.*

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

Implementation of the above mitigation measure would reduce Impact 11-3 (Loss of structural support due to liquefaction) to a less-than-significant level because the County would review and approve all future grading plans to ensure compliance with the performance standards identified in the geotechnical engineering report and mitigation measures.

SIGNIFICANT EFFECT: RISKS ASSOCIATED WITH STRUCTURAL DAMAGE FROM EXPANSIVE SOILS (IMPACT 11-4).

The geotechnical reports for the project site have indicated that the soils on-site have a low expansion potential. However, the geotechnical report also notes that laboratory testing was not performed in order to characterize the shrink-swell potential of the sampled soils collected during the geotechnical investigations and further exploration and tests should be performed to study the possibility of a localized on-site presence of expansive soils. Therefore, development of the project could be exposed to underlying expansive soils, which is a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impact related to risks associated with structural damage from expansive soils.

11-4 Implement Mitigation Measure 11-3.

Implementation of the above mitigation measures would reduce Impact 11-4 (Risks associated with structural damage from expansive soils) to a less-than-significant level because the County would review and approve all

149

future grading plans to ensure compliance with the performance standards identified in the geotechnical engineering report and mitigation measures.

4.7 HYDROLOGY AND WATER QUALITY

SIGNIFICANT EFFECT: PROJECT IMPACTS TO THE EXISTING DRAINAGE PATTERN AND SURFACE RUNOFF (IMPACT 12-1).

Implementation of the project would substantially increase the amount of impervious surfaces on-site (retail building, fuel station, and parking areas). In addition, Fiddler Green Canal would be re-routed into a submerged pipeline that would mirror the proposed retail stores northern and eastern perimeter lines before exiting into an existing culvert beneath Canal Street (near the southeast corner of the project site). A preliminary drainage study was prepared for the project to evaluate the potential impacts related to the grading and installation of the impervious surfaces. Per expanded Placer County requirements, the preliminary drainage study included a comparison of peak design storm flows for two-, 10-, and 100-year events between existing conditions and the project with an on-site detention basin. Based on the results of analysis within the preliminary drainage report, the project site has the capacity to implement the on-site underground detention basin and that the downstream drainage system has been designed to accept future stormwater runoff volumes from the project. However, a detailed analysis of the proposed stormdrain system has not been prepared to date and final construction designs for the on-site underground piping of Fiddler Green Canal have not been provided; therefore, the project would result in *potentially significant* impacts to existing drainage patterns and future runoff volume.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts to the existing drainage pattern and surface runoff.

12-1(a) *Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable.*

12-1(b) *Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department (ESD)).*

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to, the following: water quality vaults. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Maintenance of these facilities shall be provided by the project owners/permittees.

12-1(c) *This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).*

Implementation of the above mitigation measures would reduce Impact 12-1 (Project impacts to the existing drainage pattern and surface runoff) to a less-than-significant level because ESD would review and approve a final drainage report for the project to ensure compliance with the Placer County Storm Water Management Manual and the County's NPDES permit. In addition, site-specific BMPs would be implemented.

SIGNIFICANT EFFECT: CONSTRUCTION-RELATED IMPACTS TO SURFACE WATER QUALITY (IMPACT 12-2).

Project development would involve the construction of a single retail building, parking lots, gas station, and associated infrastructure, which would require grading, excavation, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. All such activities have the potential to affect water quality by contributing to localized violations of water quality standards if stormwater runoff from construction activities enters receiving waters. Therefore, as the project could potentially result in short-term impacts to surface water quality, this is considered to be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's construction-related impacts to surface water quality.

12-2

The location, size, and ownership of any canals (Fiddler Green Canal and Wise Canal) on or adjacent to the property shall be described in the drainage report and shown on the Improvement Plans. The applicant shall provide the Engineering and Surveying Department (ESD) with a letter from the agency(s) controlling the canal(s) describing any restrictions, requirements, easements, etc. relative to construction of the project. Said letter shall be provided to the ESD prior to the approval of the Improvement Plans. During construction, drainage from the project site shall not enter the Fiddler Green Canal or Wise Canal. Measures such as temporary construction fencing shall be placed around the canal to prevent people, animals and debris from entering the canal during construction. Concurrent with the encasement and realignment of the Fiddler Green Canal, a trash rack and spillway shall be constructed at the upstream end of the canal. In addition, the Wise Canal shall not receive water from the spillway mandated for the Fiddler Green Canal.

Implementation of the above mitigation measure would reduce Impact 12-2 (Construction-related impacts to surface water quality) to a less-than-significant level because the proper sizing of water quality facilities would be ensured, required BMPs would be implemented during construction, the drainage of each individual lot would be reviewed by ESD, and drainage from the project site will be prevented from entering Fiddler Green Canal via temporary construction fencing placed around the canal to prevent people, animals and debris from entering the canal during construction, as well as construction of a trash rack and spillway at the upstream end of the canal. In addition, Wise Canal will not receive any water from the spillway mandated for the Fiddler Green Canal.

SIGNIFICANT EFFECT: OPERATIONAL WATER QUALITY DEGRADATION ASSOCIATED WITH URBAN RUNOFF FROM THE PROJECT SITE (IMPACT 12-3).

The operation of the project could result in adverse impacts on water quality, through the indirect introduction of non-point source pollutants, which could include, but not be limited to, oils, greases, fertilizers, urban litter, household wastes, and detergents. If introduced to local surface waters, these pollutants could adversely affect local water quality. Because urban pollutants could enter and potentially pollute local water systems, a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to operational water quality degradation associated with urban runoff from the project site.

- 12-3(a) *All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the Engineering and Surveying Department and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Property Owners' association is responsible for maintaining the legibility of stamped messages and signs.*

- 12-3(b) *All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use.*
- 12-3(c) *Materials with the potential to contaminate stormwater that are to be stored outdoors shall be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system, or protected by secondary containment structures such as berms, dikes, or curbs. The storage area shall be paved to contain leaks and spills and shall have a roof or awning to minimize collection of stormwater within the secondary containment area.*
- 12-3(d) *Loading dock areas shall be covered and run-on and/or runoff of stormwater to the dock area shall be minimized. Direct connections to storm drains from depressed loading docks (truck wells or sumps) are prohibited.*
- 12-3(e) *The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area. The fuel dispensing area shall be paved with Portland cement concrete and have a minimum 2 percent slope, with separation from the rest of the site by a grade break to prevent runoff of stormwater.*
- 12-3(f) *The following off-site drainage facilities shall be evaluated in the drainage report for condition and capacity and shall be upgraded, replaced, or mitigated as specified by the Engineering and Surveying Department:*
- *The existing downstream 36-inch storm drain system from the point of connection to State Route 49; and*
 - *The existing 42-inch storm drain pipe crossing State Route 49.*
- 12-3(g) *Stormwater runoff shall be reduced to pre-project conditions through the installation of retention/detention facilities. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Department (ESD). The ESD may, after review of the project drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. In the event on-site detention requirements are waived, this project may be subject to payment of any in-lieu fees prescribed by County Ordinance. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.*

Implementation of the above mitigation measures would reduce Impact 12-3 (Operational water quality degradation associated with urban runoff from the project site) to a less-than-significant level because proper signage discouraging illegal dumping would be included, operational measures to reduce the potential for pollutants to contaminate stormwater would be incorporated, and compliance with the Placer County Storm Water Management Manual would be required.

SIGNIFICANT EFFECT: IMPACTS TO GROUNDWATER QUALITY (IMPACT 12-5).

In addition to the general construction activities associated with the project, the construction of an on-site fueling station would include extensive excavation and grading for the placement of underground storage tanks. Underground storage tank systems are equipped with overfill alarms; however, spills can occur due to alarm malfunction and/or operator error. While this type of release is uncommon due to overfill alarms, it could result in the accidental release of approximately 60 to 100 gallons of fuel to the ground surface. Because on-site construction activities, including those associated with the fuel pumping station, could introduce contaminants into the local groundwater, thus affecting groundwater quality, a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts to groundwater quality.

12-5 *Implement Mitigation Measures 12-2(a) and 12-3(a) through 12-3(g).*

Implementation of the above mitigation measure would reduce Impact 12-5 (Impacts to groundwater quality) to a less-than-significant level because proper signage discouraging illegal dumping would be included, operational measures to reduce the potential for pollutants to contaminate stormwater would be incorporated, and compliance with the Placer County Storm Water Management Manual would be required.

4.8 PUBLIC SERVICES AND UTILITIES

SIGNIFICANT EFFECT: IMPACTS RELATED TO ADEQUATE WATER SUPPLY AND DELIVERY FOR THE PROJECT (IMPACT 13-1).

Adequate water supply exists to serve the project site. With proper on- and off-site improvements and minor variations in pipe velocity, the project would have adequate fire flow and water conveyance. Additional water lines would allow more water to be delivered from the additional lines, which would reduce the velocity in all of the lines. It should be noted that necessary off-site improvements associated with meeting the project's required 4,000 gpm fire flow are as follows: 1) Interconnect the eight-inch pipe in Canal Street with a 12-inch pipe in Luther Road, with approximately 1,000 linear feet of eight-inch pipe. The 12-inch water line in Luther Road is connected to the Channel Hill storage tank; and 2) Add approximately 650 linear feet of a 12-inch pipe in Erin Drive east of Canal Street. Because the project applicant has not received a will-serve letter from PCWA ensuring that adequate water supply would be made available to serve the project, a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts related to adequate water supply and delivery for the project.

- 13-1 *Prior to approval of Improvement Plans, the project applicant shall receive a water availability letter from PCWA confirming adequate water supply and system service capacity exists to serve the project. In addition, the project applicant shall submit water system improvement plans for review and approval by PCWA. Prior to the County's approval of the Improvement Plans, the applicant shall obtain approval from PCWA. The project applicant shall fund and construct all necessary water system improvements needed for the project and comply with PCWA requirements and standards.*

Implementation of the above mitigation measure would reduce Impact 13-1 (Impacts related to adequate water supply and delivery for the project) to a less-than-significant level because confirmation regarding adequate water supply and system service capacity would be obtained prior to approval of Improvement Plans, and the project applicant would fund and construct all necessary water system improvements for the project.

SIGNIFICANT EFFECT: IMPACTS RELATED TO INCREASED DEMAND FOR WASTEWATER DISPOSAL (IMPACT 13-2).

The project would create increased demand for wastewater disposal and would require the construction of new wastewater infrastructure. As a result, the project would have a *potentially significant* impact related to providing adequate wastewater facilities.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to increased demand for wastewater disposal.

- 13-2(a) *Prior to Improvement Plan approval, the applicant shall submit with the Improvement Plans a final Master Sanitary Sewer Study prepared by a registered California Civil Engineer which depicts future extension of public sewer to serve the project and diversion of the Country Club Estates Residential Diversion (275 EDUs) to an existing line located on New Airport Road, subject to approval by the Engineering and Surveying Department and Facility Services Environmental Engineering Division. This is to allow the flows to be diverted around the Highway 49 siphon. This study, at minimum, shall provide pipe sizing for pipe segments of the Highway 49 trunk sewer line which may potentially need to be upsized prior to the Bohemia Retail Project and/or the Residential Diversion diverting flows to the New Airport Road sewer line. The applicant shall be required to complete the following:*

1. *Design the sewer alignment to divert flows to an existing line located on New Airport Road to accommodate the flows from the 275 EDUs of the Residential Diversion from the existing system located to the northeast of the property in order to bypass the Highway 49 siphon.*

2. *Construct the sewer alignment to New Airport Road and procure the required easements from PG&E and UPRR. The applicant will construct the entire alignment to New Airport Road for all portions that they have access to at the time of construction of the Bohemia Retail Project. Paved access is required to all sewer manholes and will be shown on the Improvement Plans for review and approval by the Engineering and Surveying Department and the Facility Services Environmental Engineering Division. As a portion of the alignment is off-site, any exceptions to this requirement are subject to the review and approval by the Engineering and Surveying Department and the Facility Services Environmental Engineering Division.*
3. *In the event the connection of the sewer to New Airport Road is not completed in time to connect the project due to a delay in acquiring the required easements from PG&E and UPRR, the applicant may construct a temporary connection to Canal Street to be utilized by the proposed retail project and must be abandoned when the connection to New Airport Road is available. The project will construct the sewer alignment to New Airport Road as described in Part 2 above and will provide a valve in the line which may be accessed at the time the New Airport Road connection is complete in order to divert the flows from the proposed retail project and the 275 EDUs from the Residential Diversion. The placement of the valve and alignment of the sewer line are subject to approval by the Facility Services Environmental Engineering Division.*
4. *In the event there are segments of pipeline which must be upsized in the Highway 49 trunk line from downstream of the siphon to the SMD-1 Wastewater Treatment Plant in order to accommodate the diversion of the 275 EDUs from the Residential diversion, the project will construct the sewer alignment to New Airport Road as described in Part 2 above and will provide a valve in the line which may be accessed at the time the New Airport Road connection is complete **and** the Highway 49 trunk line segments of pipeline have been upsized to accommodate the diversion of the 275 EDUs from the Residential Diversion. The placement of the valve and alignment of the sewer line are subject to approval by the Facility Services Environmental Engineering Division.*

13-2(b)

The applicant shall implement an off-site mitigation program to offset the project's increase in peak wet weather flow from their project. The off-site mitigation program shall be coordinated and approved by the Placer County Facility Services Environmental Engineering Division. The off-site mitigation program will replace and/or rehabilitate sewer infrastructure to, in effect, create capacity within the existing system equivalent to this project's peak wet weather flows as determined by the Environmental Engineering Division.

In lieu of implementing an off-site mitigation program, the applicant may pay a fee of four thousand dollars (\$4,000.00) per EDU (the "Mitigation Fee") prior to sewer improvement plan approval as a temporary measure pending further studies and adoption by the Board of Supervisors of a Sewer Maintenance District No.1 mitigation fee (the "Mitigation Fee"). The Mitigation Fee is intended as an estimate of those funds necessary to offset the project's peak wet weather flows. The Environmental Engineering Division will use this money to reduce inflow and infiltration within the existing Sewer Maintenance District No. 1 by replacement, and/or rehabilitation of existing sewer infrastructure. In the event the Board of Supervisors adopts the Mitigating Fee by

December 31, 2010 and the adopted Mitigation Fee is less than the \$4,000.00 per EDU Fee, Developer shall be entitled to a refund of the difference if the Developer submits a request in writing therefore by June 30, 2011.

Implementation of the above mitigation measures would reduce Impact 13-2 (Impacts related to increased demand for adequate wastewater disposal) to a less-than-significant level because a site-specific sanitary sewer system will be reviewed and approved by the County and confirmation regarding adequate wastewater capacity would be obtained.

SIGNIFICANT EFFECT: IMPACTS RELATED TO THE PROVISION OF ADEQUATE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES FOR THE PROJECT (IMPACT 13-5).

The project would result in an increase in demand for fire protection and emergency services, which could adversely affect the ability of Placer County Fire Department/CAL FIRE to provide these services throughout their service boundaries. Because the Placer County Fire Department/CAL FIRE has not provided a will-serve letter stating that the existing fire protection services are adequate to serve the project site, a *potentially significant* impact would result.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts related to the provision of adequate fire protection and emergency medical services for the project.

13-5 *Prior to Improvement Plan approval, the project applicant shall obtain a "will-serve" letter from the Placer County Fire Department/CAL FIRE. The "will-serve" letter shall be submitted to the Placer County Planning Department. All needs for fire protection, water location of hydrants, and facilities shall be addressed to District standards and indicated on the plans to be submitted.*

Implementation of the above mitigation measure would reduce Impact 13-5 (Impacts related to the provision of adequate fire protection and emergency medical services for the project) to a less-than-significant level because confirmation regarding adequate fire protection and emergency medical services would be obtained prior to approval of Improvement Plans, and all needs related to fire protection would be to District Standards.

SIGNIFICANT EFFECT: IMPACTS RELATED TO THE PROVISION OF ADEQUATE LAW ENFORCEMENT SERVICES FOR THE PROJECT (IMPACT 13-6).

According to the "will-serve" letter from the Placer County Sheriff's Department, the Department's ability to handle law enforcement needs generated by the project would be dependent on the Board of Supervisors authorizing funding needs. Therefore, without the additional personnel and equipment, impacts related to law enforcement services would be *potentially significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts related to the provision of adequate law enforcement services for the project.

13-6 *Prior to the approval of Improvement Plans, the applicant shall provide the DRC with proof of notification (in the form of a written notice or letter) of the project to the Placer County Sheriff's Office.*

Implementation of the above mitigation measure would reduce Impact 13-5 (Impacts related to the provision of adequate law enforcement services for the project) to a less-than-significant level because confirmation regarding adequate law enforcement services would be obtained prior to approval of Improvement Plans. Further, the project would generate property and sales tax, which would be used, in part, for needed law enforcement services. As discussed in the Urban Decay and Fiscal Analysis prepared for the project (see Appendix U to the Draft EIR) by Economic Research Associates (ERA), the Sheriff's Department conducted an impact evaluation for this project. The report addresses needs for sworn and support personnel, as well as equipment needed to provide police monitoring and protection for the project. The Sheriff's Department estimated the costs associated with this project to be \$17,629, annually. As shown in Table 25 of the Urban Decay and Fiscal Analysis, ERA estimated annual public safety costs to the County for the project at \$24,800, using the adjusted Hausrath factors. This includes the Public Safety Fund cost estimates as well as the General Fund's Contribution to public safety. However, Tables B and B.1 of the Urban Decay and Fiscal Analysis show surplus revenue of between approximately \$403,150 and \$847,577 after accounting for all County costs to serve the project (actual revenue amount will depend on amount of existing retail sales diverted by the project), which includes law enforcement services. Therefore, the project would generate substantially more than enough revenue to cover all of the County's costs to service the project.

4.9 HAZARDOUS MATERIALS AND HAZARDS

SIGNIFICANT EFFECT: IMPACTS RELATED TO THE ON-SITE FUELING STATION (IMPACT 14-1).

Construction activities would involve the short-term use and storage of on-site hazardous materials that are common to construction sites (fuels, solvents, etc.). All materials would be used, stored, and disposed of in accordance with all applicable federal, State, and local regulations and by way of the recommended manufacturer's directions. Potential impacts related to construction activities of the on-site fueling station are not considered to be significant. However, during operation of the fueling station, the possibility cannot be eliminated that potential impacts could result from spills, overfilling, leaks, or rupture of underground storage tanks. In addition, the quantity of such materials sold on-site and potential spills could expose the public to significant hazards, which would be a *potentially significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impacts related to the on-site fueling station.

- 14-1(a) *The project proponent shall submit to the Placer County Environmental Health Services (EHS) a Hazardous Materials Business Plan (HMBP) detailing the quantity of hazardous materials (fuels, oils, solvents, batteries) and waste that would be kept at the station. The HMBP shall include spill prevention measures, as well as procedures for the proper cleanup and disposal for all hazardous materials and waste transported, stored, used, or sold onsite. In addition to the HMBP, the project proponent shall also submit complete construction plans to be reviewed by the EHS prior to the approval of grading permits. The payment of all applicable fees shall also be submitted to the EHS when construction plans are submitted.*
- 14-1(b) *The project applicant shall comply with the Placer County permit conditions and State regulations (Title 23, Chapter 16), as well as State Fire Codes for the installation and operation of the underground storage tanks. Implementation of the aforementioned requirements shall include, but not be limited to, the following components:*
- 1. To be conducted by a qualified and licensed contractor;*
 - 2. Secondary containment for all tank penetrations;*
 - 3. Double wall vent and vapor lines, with crash protection post for vent risers;*
 - 4. Watertight tank sump lids and watertight traffic grade manways;*
 - 5. Overfill prevention equipment;*
 - 6. Traffic-rated drainways between the dispenser islands leading to an oil/water separator;*
 - 7. Underground storage tank leak detection system (automated) with positive shutdown;*
 - 8. Testing and monitoring including manual inspection of the underground storage tank system;*
 - 9. Periodic inspections of underground storage tanks by the local fire department;*
 - 10. Proven emergency response plan for potential spills;*
 - 11. Prompt reporting of the discovery of a leaking or ruptured tank system or major surface spill; and*
 - 12. Employee training for spill prevention, clean up, and reporting.*
- 14-1(c) *Implement Mitigation Measure 12-3(e).*

Implementation of the above mitigation measures would reduce Impact 14-1 (Impacts related to the on-site fueling station) to a less-than-significant level because a Hazardous Materials Business Plan would be submitted to County EHS, and the project applicant would submit complete construction plans and any applicable fees to EHS prior to any construction. In addition, the project applicant would comply with the Placer County permit conditions and State regulations (Title 23, Chapter 16), as well as State Fire Codes for the installation and operation of the underground storage tanks. Furthermore, the fuel dispensing area would be covered with an overhanging roof structure or canopy and would be paved with Portland cement concrete at a minimum two percent slope, with separation from the rest of the site by a grade break to prevent runoff of stormwater.

4.10 INITIAL STUDY

CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE HANDLING, TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS; CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT? (INITIAL STUDY IMPACTS VII-1, VII-2)

The project would display and sell motor oils, automobile and marine batteries, and solvents. The project would include the construction of a gas station with underground storage tanks for the storage and dispensing of gasoline fuel. The quantity of these goods sold by this business and the operation of the gas station could create a significant hazard to the public through the routine handling of these hazardous materials. In addition, construction of the project would involve the short-term use and storage of hazardous materials typically associated with grading, such as fuel and other substances. Therefore, these impacts are considered *potentially significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce the impact to a less-than-significant level.

MM VII.1 As a condition of this project, the proponent shall submit to Environmental Health Services (EHS) a Hazardous Materials Business Plan (HMBP) detailing the quantity of fuels, oils, solvents, and batteries that will be kept on hand. The HMBP will include procedures for the cleanup of hazardous materials used in this business facility. The project proponent will submit with payment of all applicable fees to EHS complete construction plans of the underground storage tanks for the proposed gasoline station.

Implementation of the above mitigation measure would reduce Impacts VII-1, VII-2 (Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment) to less-than-significant levels because a Hazardous Materials Business Plan would be submitted to County EHS, and the project applicant will submit complete construction plans and any applicable fees to EHS prior to any construction.

CREATE ANY HEALTH HAZARD OR POTENTIAL HEALTH HAZARD? (INITIAL STUDY IMPACT VII-8)

An on-site a stormwater detention system would need to be constructed as part of the project. Stormwater detention systems have the potential to allow for the breeding of mosquitoes, which would result in a potentially significant impact related to creating a potential health hazard.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce the impact to a less-than-significant level.

MM VII.2 In order to discourage the breeding of mosquitoes which have the potential to cause disease to humans and other hosts, the project proponent shall abide by the Placer Mosquito Abatement District (PMAD) construction guidelines for stormwater detention systems. PMAD shall review the improvement plans.

Implementation of the above mitigation measure would reduce Impact VII-8 (Create any health hazard or potential health hazard) to a less-than-significant level because the project applicant would abide by the PMAD construction guidelines for stormwater detention systems, and PMAD would review the project improvement plans.

5 SIGNIFICANT IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE

5.1 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: IMPACTS TO LANE QUEUING UNDER THE SHORT TERM PLUS PROJECT SCENARIO (IMPACT 8-6).

As presented in Tables 8-21 and 8-22 of the Draft EIR, the northbound left movement at the intersection of SR 49/Dry Creek Road intersection would have a queue greater than the available storage length. The lack of available storage length for the abovementioned intersection movement for both Option 1 and Option 2 under the Short Term Plus Project scenario is a *potentially significant* impact.

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts in Support of Finding

Based upon discussions with Omni-Means, Ltd., the below roadway improvement would require the re-striping of northbound SR 49 at the intersection of SR 49/Dry Creek Road, which could result in potential access issues along the roadway segment. Therefore, even with the incorporation of Mitigation Measure 8-6(a), the potential access issues along the roadway segment would still result in a *significant and unavoidable* impact.

Northbound left at the intersection of SR 49/Dry Creek Road

8-6(a) *Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvement to study area queue lengths:*

- *Increase the northbound left storage length at the intersection of SR 49/Dry Creek Road to 350 feet, which shall be accomplished by re-striping the roadway.*

5.2 AIR QUALITY

SIGNIFICANT EFFECT: IMPACTS RELATED TO A TEMPORARY INCREASE IN NO_x EMISSIONS (IMPACT 9-2).

The development of the proposed land uses would result in the temporary generation of emissions resulting from vehicles associated with site grading and excavation, road paving, building construction, worker trips, and the movement of construction equipment. As shown in Table 9-8 of the Draft EIR, construction of the project would be expected to generate approximately 12.99 pounds per day of ROG emissions, which would not exceed the PCAPCD significance threshold of 82.0 pounds per day. However, vehicles and equipment associated with the construction of the project would emit up to 148.29 pounds per day of NO_x. Therefore, construction emissions associated with buildout of the project would exceed the PCAPCD significance threshold of 82.0 pounds per day for NO_x. As a result, implementation of the project would result in a *significant* impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that partially mitigate or avoid the significant effects on the environment. However, these mitigation measures would not reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce the project's impacts regarding NO_x emissions, but not to a less-than-significant level.

9-2(a) *Implement Mitigation Measure 9-1(a).*

9-2(b) *Prior to approval of Improvement Plans, an enforcement plan shall be established, and submitted to the PCAPCD for review, in order to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180–2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project-related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.*

9-2(c) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: During construction, the contractor shall minimize idling time to a maximum of five minutes for all diesel powered equipment.*

- 9-2(d) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment. In addition, low sulfur fuel shall be utilized for all stationary equipment.*
- 9-2(e) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.*
- 9-2(f) *Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: All on-site stationary equipment which is classified as 50 hp or greater shall either obtain a state issued portable equipment permit or a PCAPCD issued portable equipment permit.*
- 9-2(g) *During construction, the project contractors shall use low-VOC architectural coatings and asphalt, in compliance with PCAPCD Rules and Regulations, for review by the County Building Official.*

Implementation of the above mitigation measures would not reduce Impact 9-2 (Impacts Related to a Temporary Increase in NOx Emissions) to a less-than-significant level because the feasible measures are not sufficient to fully reduce the impact below the District's applicable threshold. The impact would remain significant and unavoidable.

5.3 TRANSPORTATION AND CIRCULATION (CUMULATIVE)

SIGNIFICANT EFFECT: IMPACTS TO INTERSECTIONS UNDER THE CUMULATIVE PLUS PROJECT SCENARIO (IMPACT 18-5).

The following intersections are projected to operate at an unacceptable LOS under Option 1 Cumulative Plus Project Conditions:

- Intersection #13) Bell Road/New Airport Road;
- Intersection #16) Undercrossing Road/I-80 EB Ramps;
- Intersection #18) Luther Road/Canal Street; and
- Intersection #20) Luther Road/Bowman Road.

In addition, the same four intersections projected to operate at an unacceptable LOS under Option 1, would also operate at an unacceptable LOS under Option 2 of the Cumulative Plus Project scenario, as well as the following intersection:

- Intersection #4) SR 49/Bell Road

All study area roadway segments anticipated to operate at an acceptable LOS under the Cumulative No Project scenario are also projected to operate at an acceptable LOS under the Cumulative Plus Project scenario. The project creates site-specific impacts on local transportation systems that are considered less-than-significant when analyzed against the existing baseline traffic conditions and roadway segment/intersection existing LOS; however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program (CIP). The project is subject to this code and, therefore, is required to pay traffic impact fees to fund the CIP for area roadway improvements.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. This mitigation would reduce the significant effects of the project's incremental contribution to the cumulative traffic impact to a less-than-significant level, with the exception of the cumulative impact to Intersection #4) SR 49/Bell Road, for which the impact would remain significant and unavoidable.

Facts in Support of Finding

The following mitigation measure recommended for Intersection #13 (Bell Road/New Airport Drive) is applicable for both Option 1 and 2 development alternatives. As presented in Chapter 8 of the Draft EIR, implementation of the following mitigation measure recommended for Intersection #13 would reduce the project's impact to a *less-than-significant* level.

Bell Road/New Airport Drive (Intersection #13)

18-5(a) *Implement Mitigation Measure 8-2.*

The following mitigation measures are recommended for the three other intersections predicted to operate at a deficient intersection LOS (Intersection #16 - Undercrossing Road/I-80 EB ramps, #18 - Luther Road/Canal Street, and Intersection #20 - Luther Road/Bowman Road) for both Option 1 and Option 2 under the Cumulative Plus Project Conditions scenario. Once implemented, the following recommended mitigation measures would reduce project-related impacts to the three intersections to a *less-than-significant* level:

Undercrossing Road/I-80 EB ramps (Intersection #16)

18-5(b) *Prior to approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at Undercrossing Road/I-80 eastbound ramps:*

- *Signalize the intersection; and*
- *Provide split phasing for the eastbound and westbound approaches.*

Luther Road/Canal Street (Intersection #18)

18-5(c) *Implement Mitigation Measure 8-3(b).*

Luther Road/Bowman Road (Intersection #20)

18-5(d) *Prior to approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at Luther Road/Bowman Road:*

- *Signalize the intersection.*

SR 49/Bell Road (Intersection #4)

The following mitigation measure is recommended for the additional intersection predicted to operate at a deficient intersection LOS under Option 2 (Discount Superstore) under Cumulative Plus Project Conditions. Because the improvement is not included in the current CIP, the funds that would make up

the balance of the cost for the improvement, after the project's fair share is accounted for, are not certain. Therefore, the impact would remain *significant and unavoidable*.

18-5(e) *The project applicant shall pay the applicable fair-share payment towards the following improvement to the intersection located at SR 49/Bell Road:*

- *Provide an exclusive right-turn lane in the northbound approach. With the addition of the exclusive right-turn lane, the northbound approach would include one left-turn lane, three through lanes, and an exclusive right-turn lane.*

Other County Standard Mitigation

18-5(f) *This project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn Bowman Benefit District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:*

A) *County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code*

The current total combined estimated fee is \$4,705 per Dwelling Unit Equivalent. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time payment occurs.

Implementation of the above mitigation measures would reduce Impact 18-5 (Impacts to intersections under the Cumulative Plus Project scenario) to a less-than-significant level, with the exception to the impact to Intersection \$4, because the project applicant would be required to contribute a "fair share" of the improvement-related costs, based upon the project's PM peak-hour traffic impacts. These improvements are currently included in the CIP, which is a reasonable, enforceable program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. Therefore, payment of the CIP fee would guarantee that the needed improvements would be constructed.

SIGNIFICANT EFFECT: IMPACTS TO ARTERIAL SEGMENTS UNDER THE CUMULATIVE PLUS PROJECT SCENARIO (IMPACT 18-6).

As shown in Tables 18-7 and 18-8 of the Draft EIR, the following roadway segments along SR 49 are projected to operate at deficient arterial segment LOS under both project options:

- Northbound SR 49 between Willow Creek Drive and Bell Road; and
- Southbound SR 49 between Bell Road and Education Street.

The two arterial segments projected to operate at unacceptable LOS under both development options for the Cumulative Plus Project Conditions are *significant* impacts.

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

165

Facts in Support of Finding

The following mitigation measure would be applicable for both development alternatives (Options 1 and 2). However, the economic feasibility of mitigation measure 18-6 presented for the northbound SR 49 between Willow Creek Drive and Bell Road roadway segment, is unknown at this time given the fact that the improvement is not in the County's CIP. Widening of SR 49 to six lanes at the SR 49/Bell Road intersection is included within the Placer County CCIP. However, it is not known if an exclusive northbound right turn lane is included. The appropriate mitigation for the project is to pay the fair share toward the cost of this improvement. However, it is not known if this improvement is economically feasible. Therefore, the identified cumulative impact to the roadway segment containing northbound SR 49 between Willow Creek Drive and Bell Road would remain *significant and unavoidable*.

SR 49 between Willow Creek Drive and Bell Road

18-6 *The project applicant shall pay a fair share contribution towards the following improvement to the arterial roadway segment of SR 49 between Willow Creek Drive and Bell Road:*

- *Provide an exclusive right-turn lane in the northbound approach; with this improvement, the northbound approach at SR 49/Bell Road would include one left-turn lane, three through lanes, and an exclusive right-turn lane.*

SR 49 between Bell Road and Education Street

Potential economic and feasible mitigation to improve the identified roadway segment containing southbound SR 49 between Bell Road and Education Street does not exist at this time. Therefore, the identified cumulative impact to the roadway segment containing southbound SR 49 between Bell Road and Education Street would remain *significant and unavoidable*.

5.4 AIR QUALITY (CUMULATIVE)

SIGNIFICANT EFFECT: CUMULATIVE IMPACTS TO REGIONAL AIR QUALITY (IMPACT 18-9).

The PCAPCD cumulative significance thresholds for emissions are applied to project-level emissions. An increase of more than ten pounds per day of ROG and/or NO_x (ozone precursors) would be above the PCAPCD cumulative threshold of significance. The PCAPCD does not have cumulative thresholds of significance for PM₁₀ emissions, as Placer County is in attainment for PM₁₀. Project operational emissions of ROG and NO_x would exceed the PCAPCD cumulative thresholds of significance; therefore, the cumulative impact associated with the project would be *significant*.

Finding

Changes or alterations have been required in, or incorporated into, the project that partially mitigate or avoid the significant effects on the environment. However, this mitigation would not reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce the project's cumulative impacts regarding regional air quality, but not to a less-than-significant level.

- 18-9(a) *Prior to building permit approval, the applicant shall show that electrical outlets shall be installed on the exterior walls of both the front and back of all commercial buildings to promote the use of electric landscape maintenance equipment.*
- 18-9(b) *Prior to building permit approval, the applicant shall show that all truck loading and unloading docks shall be equipped with one 110/208 volt power outlet for every two dock doors. Diesel trucks shall be prohibited from idling more than five minutes and must be required to connect to the 110/208 volt power to run any auxiliary equipment. Signage shall be posted in the receiving areas and the parking lot to prohibit idling for more than five minutes.*
- 18-9(c) *Parking lot design shall include clearly marked pedestrian pathways between parking facilities and building entrances included in the design.*
- 18-9(d) *During operation, all off-road equipment used at the store for material handling or maintenance shall be natural gas, propane, or electric powered.*
- 18-9(e) *During operation, back-up generators shall run on natural gas only.*
- 18-9(f) *At the time of issuance of building permits, landscaping plans shall provide for tree planting throughout all parking areas to attain 50 percent shading of parking areas within 15 years of building permit issuance. Landscaping plans shall incorporate native and/or drought-resistant species (plants, trees, and bushes) to reduce the demand for use of landscape maintenance equipment.*
- 18-9(g) *As an optional measure, the employer may provide transit subsidies (75 percent of fare) to all employees who use local transit.*
- 18-9(h) *In order to mitigate the project's contribution to long-term emission of pollutants, the applicant shall:*
1. *Participate in the Placer County Air Pollution District Off-site Mitigation Program by paying the equivalent amount of money, which is equal to the projects contribution of pollutants (ROG and NO_x), which exceeds the cumulative threshold of 10 pounds per day. The estimated total amount of excessive ROG and NO_x for this project is 9.87 tons. The estimated payment for the project is \$141,141 based on \$14,300 per ton. Prior to the issuance of building permit, the actual amount to be paid shall be determined, per current California Air Resource Board guidelines; or*
 2. *Participate in an off-site mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term emission of pollutants. Examples include participation in a "Biomass" program, retrofitting mobile sources (i.e. busses, heavy duty diesel equipment), or any other program that is deemed acceptable by the Director of the Placer County APCD. Any proposed off-site mitigation shall be located within the same region as the project.*

Implementation of the above mitigation measures would not reduce Impact 18-9 (Cumulative impacts to regional air quality) to a less-than-significant level because feasible mitigation does not exist to fully reduce the impact below the District's applicable threshold. The impact would remain significant and unavoidable.

SIGNIFICANT EFFECT: THE PROJECT COULD POTENTIALLY RESULT IN A CUMULATIVELY CONSIDERABLE INCREMENTAL CONTRIBUTION TO THE GLOBAL PRODUCTION OF GREENHOUSE GASES (IMPACT 18-10).

The County has evaluated the project on a qualitative basis to reach a conclusion regarding the significance of the greenhouse gas (GHG) emissions that could result from a project. One measure is the extent to which the project complies with directly applicable emission reduction measures that would support the State's efforts to significantly reduce its contribution to global climate change and the associated impacts. These would include each of the project-applicable strategies to comply with Executive Order S-3-05 or AB 32. The project would incorporate many such strategies as that would reduce the project's contribution to global climate change. However, should the project not implement the full range of green measures provided in Table 18-16 of the Draft EIR, the project could conflict with or obstruct implementation of the goals or strategies of Executive Order S-3-05, the California Global Warming Solutions Act of 2006, or the Attorney General's suggested global warming mitigation measures. Therefore, the project could have a significant impact associated with the generation of GHG emissions and because it cannot be determined to a reasonable degree of certainty that the project will not result in a numerically cumulatively considerable incremental contribution to the significant cumulative impact of global climate change, even with the implementation of mitigation measures, the impacts of the project on global climate change are considered *significant and unavoidable*.

Finding

Changes or alterations have been required in, or incorporated into, the project that partially mitigate or avoid the significant effects on the environment. However, this mitigation would not reduce the significant effects of the project to a less-than-significant level.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce the project's cumulative impacts regarding global production of greenhouse gases, but not to a less-than-significant level.

18-10 *Prior to the issuance of building permits for the project, the project applicant shall submit, for review and approval by Placer County Planning Department and the PCAPCD, building and landscaping plans that demonstrate compliance with the following mitigation measures set forth in Table 18-16:*

- *Landscaping plans will provide for tree planting throughout all parking areas to attain 50 percent shading of parking areas within 15 years of building permit issuance. Landscaping plans will incorporate native and/or drought-resistant species (plants, trees, and bushes) to reduce the demand for use of landscape maintenance equipment.*
- *Design buildings to be as energy efficient as possible, including the incorporation of solar energy to the maximum extent feasible and to exceed by 20 percent, to the extent feasible, all applicable Title 24 or California Energy Efficiency Standards. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use;*
- *Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;*
- *Install light colored "cool" roofs, cool pavements, and strategically placed shade trees;*
- *Install energy efficient heating and cooling systems, appliances and equipment, and control systems;*

- *Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting;*
- *Create water-efficient landscapes;*
- *Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;*
- *Design buildings to be water-efficient. Install water-efficient fixtures and appliances;*
- *Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff;*
- *Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site);*
- *Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, and concrete, lumber, metal, and cardboard);*
- *Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas;*
- *Demonstrate on Improvement Plans that improved accessibility to the existing pathway infrastructure that leads to and from local services will be provided along the southern boundary of the project site.*
- *Demonstrate on Improvement Plans that the site will provide maximum access and connectivity to the existing Placer County bus shelter at the entrance of the project site.*
- *Limit idling time for commercial vehicles, including delivery and construction vehicles;*
- *Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling);*
- *For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking;*
- *Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points; and*
- *Comply with the requirements within the Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources in order to reduce the project's potential emissions of high GWP refrigerants.*

Implementation of the above mitigation measure would not reduce Impact 18-10 (The project could potentially result in a cumulatively considerable incremental contribution to the global production of greenhouse gases) to a less-than-significant level because feasible mitigation does not exist. The impact would remain significant and unavoidable.

PUBLIC COMMENTS

The County received numerous comments on the Draft EIR. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The County recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The County is also cognizant, however, that the mitigation measures recommended in the Draft EIR represent the professional judgment and long experience of the County's expert staff and environmental consultants. The County therefore believes that these recommendations should not be lightly altered. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft EIR the County, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the originally proposed project or alternative, or instead relates to an effect that can already be mitigated to less than significant levels by proposed mitigation measures in the Draft EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the project objectives.

As is often evident from the specific responses given to specific suggestions, County staff and consultants spent large amounts of time carefully considering and weighing proposed mitigation language, and in many instances adopted much of what a commenter suggested. In some instances, the County made changes to the Draft EIR in response to input from commenters. In no instance did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

6 ALTERNATIVES

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly obtain most of the basis project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a)). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range. (*Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 C.3d 553, 566). CEQA Guidelines note that alternatives evaluated in the EIR should be able to obtain most of the basic objectives of the project (Guidelines §15126.6(a)). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992), 10 Cal.App.4th 908); and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines §15126.6(f)(1)). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)).

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*).

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project. The following objectives for the project were provided by the applicant:

1. Develop a 155,000-square-foot retail building.
2. Provide a retail project that will provide a variety of products to serve an unmet demand of consumers in Placer County.
3. Provide a retail development that will result in a fiscal benefit to Placer County providing new sales tax and property tax revenues.
4. Provide a retail development in close proximity that will result in reduced travel lengths for Placer County residents.
5. Provide a retail development that can readily be served by existing infrastructure and result in benefits to the County in the construction of new sewer lines.
6. Provide a retail development that will provide synergy with a new recently constructed retail project adjacent to the site.
7. Provide a retail development that will create new jobs.
8. Provide an infill retail project that will clean up a partially blighted site consisting of abandoned concrete slabs, pipes and retaining walls.
9. Implement the Placer County General Plan Land Use Policy, the Auburn/Bowman Community Plan Land Use Plan and the North Placer County Redevelopment Agency’s Land Use Plan to develop a retail project on this property.
10. Design and construct a retail building that will provide a buffer between the residential neighborhoods to the north and east and more intensive commercial/industrial uses to the south and west, with the end goal of a retail project that is not only compatible on all fronts with its adjoining uses, but also contributes to an overall sense of community in the area.

The detailed discussions in Sections 4 and 5 demonstrate that many of the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR.

For the sake of full disclosure, moreover, it is noted that, even with mitigation in the form of the application of existing policies and, where feasible, the addition of formal mitigation measures, the following significant effects remain significant and unavoidable:

- Impacts to lane queuing under the Short Term Plus Project scenario (Impact 8-6);
- Impacts related to a temporary increase in NO_x emissions (Impact 9-2);
- Impacts to intersections under the Cumulative Plus Project scenario (Impact 18-5);
- Impacts to arterial segments under the Cumulative Plus Project scenario (Impact 18-6);
- Impacts to lane queuing under the Cumulative Plus Project scenario (Impact 18-8);
- Cumulative impacts to regional Air Quality (Impact 18-9); and
- The project could potentially result in a cumulatively considerable incremental contribution to the global production of greenhouse gases (Impact 18-10).

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to these impacts. (See *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 520-521, 526-527; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; see also Pub. Resources Code, Section 21002.) These Findings will assess whether each alternative is feasible in light of the project applicant's objectives for the project, which, as noted earlier, the Planning Commission finds to be legitimate and has embraced as though they were the County's own objectives. As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior to the project as approved – the No Canal Alternative – with respect to the significant and unavoidable impacts described above.

In accordance with Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could feasibly attain the basic project objectives but would avoid or substantially lessen any of the significant effects of the project was addressed in the Draft EIR. The Draft EIR considered the following three alternatives to the project: the No Project Alternative, the No Canal Street Access Alternative, and the Mixed Use Alternative.

As noted earlier, in response to public input, the applicant chose not to pursue the originally proposed project and instead to seek approval for the No Canal Street Alternative. This decision is in accordance with the objectives of the CEQA process, in which a project is modified and an alternative is approved that avoids or reduces the severity of impacts of particular concern to members of the public as expressed during the public input portion of the process.

6.1 NO PROJECT ALTERNATIVE

Section 15126.6(e)(1) of the Government Code provides the following direction relative to the No Project Alternative:

The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining where the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline.

The No Project Alternative is defined in this section as the continuation of the existing condition of the project site, which is currently vacant. The No Project Alternative would not meet any of the project objectives. Under the No Project Alternative, construction and operational vehicle trips, along with associated emissions and noise

related to vehicles trips would not be generated. As construction would not occur, impacts to biological and cultural resources would not occur. In addition, the project site would not be graded and the existing drainage pattern would remain. Lastly, an increase for the demand for water, wastewater, and other public services would not occur. However, it should be noted that the project site is identified for development in the Placer County General Plan (PCGP) and the Auburn/Bowman Community Plan (GBCP).

Finding: Implementation of the No Project Alternative would not meet any of the Project Objectives. The County has determined that specific economic, social, and environmental considerations render the No Project Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.) The No Project Alternative would not promote the objectives of the project.

To the extent that the project has greater environmental impacts than the No Project Alternative, the County believes they are acceptable, given the great lengths taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

6.2 NO CANAL STREET ACCESS ALTERNATIVE

Since the release of the Draft EIR for public review, the County made the determination to enhance the existing discussion and analysis of the No Canal Street Access Alternative given the amount of public concern expressed at the comment hearing on the Bohemia Retail DEIR before the Planning Commission, and in order to ensure that the EIR provides sufficient information to support approval of that alternative in lieu of the originally proposed project. The enhanced discussion and analysis of the No Canal Street Access Alternative is provided below.

Land Use

Under the No Canal Street Access Alternative, land use impacts would be less than land use impacts created by the originally proposed project because vehicular traffic and associated noise would not increase on Canal Street, thereby eliminating potential incompatibilities with the adjacent neighborhood. In a very real sense, the lack of additional vehicles on Canal Street as a result of this alternative – now the project being approved – would serve to maintain the current dynamics of the neighborhood, thereby making the project less noticeable. The No Canal Street Access Alternative would achieve the land use objectives for the project site, such as generating tax revenue, creating new jobs, and meeting currently unmet demands of consumers. Therefore, overall, under the No Canal Street Access Alternative, land use impacts would be fewer. By adopting the No Canal Street Access Alternative in lieu of the originally proposed project, the Commission has reduced the severity of the impacts that would have occurred under the originally proposed project, consistent with the goals and principles of CEQA.

Biological Resources

Biological resource impacts with the No Canal Street Access Alternative would be similar to the those of originally proposed project. The No Canal Street Access Alternative would result in potentially significant impacts related to biological resources. Land disturbance would occur to the same extent as the originally proposed project. Therefore, a potentially significant impact would occur related to special-

status plant species, raptors and migratory bird species, western burrowing owl, and special-status reptile and amphibian species. Mitigation measures are necessary to bring the potentially significant impacts to a less-than-significant level. In addition, the No Canal Street Access Alternative would have a potentially significant impact on amphibians and reptiles, trees, and waters of the U.S. and States. Because biological resource impacts are directly related to land disturbance activities, this Alternative's impacts to biological resources would be the same as those of the originally proposed project. It should also be noted that all biology-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, Executive Summary, of the Draft EIR would be required for the No Canal Access Alternative. In addition, similar to the originally proposed project, implementation of the mitigation measures will reduce the identified biological impacts to a less-than-significant level.

Cultural Resources

Cultural resource impacts resulting from the No Canal Street Access Alternative would be similar to those of the originally proposed project. Although the site does not contain any known historical resources, the No Canal Street Access Alternative could result in potential disturbance or destruction of previously unknown archaeological and paleontological resources on-site. Sedimentary rocks and volcanic rock are present throughout Placer County and could contain fossil remains of prehistoric animal and plant life. Therefore, paleontological resources could exist on the project site. With the No Canal Street Access Alternative, land disturbance would occur to the same extent as would occur with the originally proposed project. Because cultural resource impacts are directly related to land disturbance activities, impacts to cultural resources would be the same as those of the originally proposed project. It should also be noted that all cultural resource-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, Executive Summary, of the Draft EIR are required for the No Canal Access Alternative.

Visual Resources

Visual resource impacts with the No Canal Street Access Alternative would be similar to those of the originally proposed project. Both the originally proposed project and the No Canal Street Access Alternative would result in a less-than-significant impact in regard to changing the existing visual character of the site and the site's surroundings. The No Canal Street Access Alternative would result in increased sources of light and glare where none currently exist and the site would be irreversibly converted to an urban use. It should be noted that this alternative, like the originally proposed project, would include a lighting plan, which indicates that the alternative will incorporate shielding on all outdoor light fixtures to prevent spill-over of new sources of light and glare onto adjacent sensitive receptors to the north and east. Because the No Canal Street Access Alternative generally includes construction activities and building design to the same extent as the originally proposed project, and visual resources are directly related to the construction of the proposed building, impacts to visual resources would be the same under both circumstances.

Transportation and Circulation

Transportation and circulation impacts under the No Canal Street Access Alternative would vary slightly from those of the originally proposed project. Construction activities under the No Canal Street Access Alternative would include numerous disruptions to the transportation system in and around the project area, resulting in a potentially significant impact. Heavy equipment would regularly ingress and egress to and from the project site for purposes such as material delivery, grading, and excavating. Construction activities could temporarily impact the existing Class II and Class III bikeways in the project vicinity. However, any bikeway impacts from construction activities would be temporary in nature and are considered to be less-than-significant.

Overall, the construction and operation of the originally proposed project would not be anticipated to impact the local pedestrian and bicycle infrastructure; however, the proposed sidewalks would need to

meet with ADA and ABCP standards. This alternative, like the originally proposed project, would have a less-than-significant impact in regard to pedestrian and bicycle facilities.

During operational phases, traffic would not be able to access the site from Canal Street, resulting in less traffic congestion on Canal Street and associated intersections such as the Bell Road/New Airport Road intersection. Traffic congestion will likely increase, however, at the Primary Access location. The Traffic Impact Analysis Report, prepared by Omni Means in December 2009, indicates that approximately 15 percent of traffic associated with the originally proposed project would utilize the Canal Street Access, while the remaining 85 percent would use the project's Primary Access. Therefore, under the No Canal Street Access Alternative, the Primary Access location could expect a 15 percent increase in trips. This is a tradeoff that both the applicant and the Planning Commission are willing to accept, given the concerns of many neighbors to the project site regarding the impacts that would have occurred under the originally proposed project, with its secondary access via Canal Street. The No Canal Street Access Alternative would not result in a reduction of total external traffic trips compared to the originally proposed project. Notably, the No Canal Street Access Alternative will not adversely affect emergency vehicle access, as the Canal Street access would still be constructed, but for emergency vehicle use only. Response times to the project site will remain unchanged from what was expected with the originally proposed project. Construction activities could temporarily impact the existing Class II and Class III bikeways in the project vicinity but, overall, impacts to pedestrian and bikeway access would remain unchanged compared with what was expected under the originally proposed project, which was not expected to alter any existing transit route.

The No Canal Street Access Alternative will impact the Bell Road/New Airport Road intersection under Existing Conditions and both Bell Road/New Airport Road and Luther Road/Canal Street intersections under Short Term Conditions. The originally proposed project would have resulted in the same intersection impacts as the No Canal Street Access Alternative, as follows: Bell Road/New Airport Road intersection under Existing Conditions; and both Bell Road/New Airport Road and Luther Road/Canal Street intersections under Short Term Conditions. The recommended signalization improvement at the Luther Road/Canal Street intersection is consistent with the improvements identified within the Auburn Bowman Community Plan. Furthermore, the signalization of the Luther Road/Canal Street intersection will include design of appropriate "signal ahead" signs consistent with standards recommended within the Placer County and Manual of Uniform Traffic Control Design (MUTCD). The MUTCD is a document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT) to specify the standards by which traffic signs, road markings (see lane), and signals are designed, installed, and used. With the proposed signalization improvements, the intersection of Luther Road/Canal Street is projected to operate at LOS A (Highway Capacity Manual defines LOS A as Turning movements are easily made, and nearly all drivers find freedom of operation). As such, the intersection of Luther Road/Canal Street will not be congested. It is also important to note that the signalization of the Luther Road/Canal Street intersection will entail interconnection with the existing SR 49/Luther Road signal to prevent back ups from Luther Road interfering with southbound left turn traffic from SR 49. Furthermore, the signalization improvements at the Luther Road/Canal Street intersection will include provisions for crosswalks and push buttons that will improve pedestrian and bicyclist safety.

It should also be noted that, according to the results presented in Tables 1 and 2 below concerning the No Canal Street Access Alternative (in comparison to the results for the originally proposed project intersection analysis under Existing Conditions, as presented in Tables 8-9 and 8-10 of Chapter 8, *Transportation and Circulation*), implementation of the No Canal Street Access Alternative will result in slight increases in delay at the SR 49 intersections with Luther Road and the Primary Access, but these increases will not be great enough to create significant impacts. The following tables illustrate this more clearly:

Table 1 Delay Comparison for SR 49 Intersections Under Existing + Project and Existing + No Canal Street Access Alternative Conditions (Discount Club Store)					
#	Intersection	AM Peak Hour		PM Peak Hour	
		Existing + Project	Existing + No Canal St. Access Alt.	Existing + Project	Existing + No Canal St. Access Alt.
7	SR 49/Kemper Road/New Airport Road	10.8 sec	10.7 sec	25 sec	25.7 sec
8	Primary Access	5.5 sec	5.7 sec	22.9 sec	24 sec
9	SR 49/Luther Road	11.7 sec	11.8 sec	28.3 sec	30.6 sec

Table 2 Delay Comparison for SR 49 Intersections Under Existing + Project and Existing + No Canal Street Access Alternative Conditions (Discount Superstore)					
#	Intersection	AM Peak Hour		PM Peak Hour	
		Existing + Project	Existing + No Canal St. Access Alt.	Existing + Project	Existing + No Canal St. Access Alt.
7	SR 49/Kemper Road/New Airport Road	11 sec	10.9 sec	25.5 sec	26.3 sec
8	Primary Access	7.1 sec	7.3 sec	24.5 sec	25.7 sec
9	SR 49/Luther Road	11.7 sec	11.9 sec	28.8 sec	31.4 sec

Both this alternative and the originally proposed project would potentially impact one intersection under Existing Conditions and two intersections under Short Term Conditions. Therefore, impacts related to transportation and circulation under this alternative would be similar to those of the originally proposed project. It should also be noted that all traffic-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative. In addition, the required mitigation measures will reduce the identified impacts to a less-than-significant level, except for the significant and unavoidable impacts identified for the project (and therefore for this alternative). The significant and unavoidable impacts regarding transportation and circulation are impacts related to lane queuing under the Short Term Plus Project Conditions scenario for northbound left turns at the intersection of SR 49/Dry Creek Road, cumulative impacts related to the SR 49/Bell Road intersection under the Cumulative Plus Project Conditions scenario, cumulative impacts related to arterial segments under the Cumulative Plus Project Conditions scenario, and cumulative impacts related to lane queuing under the Cumulative Plus Project Conditions scenario.

Air Quality

Implementation of the originally proposed project would have resulted in significant impacts in regard to air quality. Construction emissions associated with buildout of the project would have exceeded the Placer County Air Pollution Control District (PCAPCD) threshold of 82 pounds per day for NO_x, which would have created a significant impact. Mitigation measures would have reduced short-term NO_x emissions associated with construction of the originally proposed project; however, because implementation of feasible mitigation would not reduce the project's short-term NO_x emissions below the PCAPCD's significance threshold, the originally proposed project would have resulted in a significant and unavoidable impact. Because the extent of construction and land disturbance activities associated with the No Canal Street Access Alternative are generally the same as those of the originally proposed

project and construction emissions are directly related to construction and land disturbance activities, impacts will be similar as compared to those of the originally proposed project. Accordingly, this alternative is expected to result in a short-term significant and unavoidable impact related to construction NOx emissions. Construction activities associated with the originally proposed project would generate PM10 emissions at a level (121.72 pounds per day) that would exceed the PCAPCD's significance threshold of 82 pounds per day. Because the extent of construction activities are the same for this alternative and the originally proposed project, impacts related to PM10 emissions would be the same, as compared to those of the originally proposed project.

Both the originally proposed project and the No Canal Street Access Alternative could result in the release of NOA into the air. If on-site rocks contain asbestos, grading and construction activities could release asbestos fibers into the environment, if not properly controlled. Because the release of NOA is directly related to the extent of land disturbance activities, and the land disturbance is the same with the No Canal Street Alternative and the originally proposed project, impacts related to NOA would be the same.

Under the No Canal Street Access Alternative, vehicle trips would not be reduced as compared to the originally proposed project, and congestion would be greater at the Primary Access. The increase of traffic congestion would result in more air pollutants being emitted by project-related traffic. In regard to the Bell Road/New Airport Road intersection, for which CALINE4 "hot-spot" modeling was performed, the originally proposed project's CO emissions are predicted to be 3.6 parts per million (ppm) for the 1-hour scenario, which is below the State and federal standards of 20.0 ppm and 35.0 ppm, respectively. In addition, the originally proposed project's CO emissions for the 8-hour scenario are predicted to be 3.6 ppm, which is also below the State and federal standards of 9.0 ppm. CO emissions with this alternative would be expected to increase very slightly, but would still remain within the allowable threshold. Therefore, the originally proposed project's impacts related to an increase in local CO concentrations would be less-than-significant. Because the No Canal Street Access Alternative is projected to increase traffic congestion at the Primary Access, and CO emissions are directly related to traffic congestion, the No Canal Street Access Alternative will have a greater impact than would have occurred under the originally proposed project.

Operation of the originally proposed project would not have resulted in total predicted emissions of ROG, NOx, PM10, and CO that would exceed the PCAPCD threshold of 82 pounds per day, and the impact would therefore be less-than-significant. Projected ROG and NOx emissions with the originally proposed project would have been 76.76 and 51.62, respectively. In addition, a projected PM10 emission with the originally proposed project would have been 80.01 pounds per day, which is below the PCAPCD's PM10 threshold. Furthermore, the originally proposed project's operation would have resulted in the creation of 436.21 pounds per day of CO, which does not exceed PCAPCD's CO threshold of 550 pounds per day. Because operational activities with the No Canal Street Access Alternative would be generally the same as those of the originally proposed project, ROG, NOx, PM10, and CO emissions would be expected to remain the same under the No Canal Street Access Alternative, as compared to the originally proposed project.

The No Canal Street Access Alternative, like the originally proposed project, is expected to have a less-than-significant impact related to sensitive receptors to odors. Impacts related to odors would be directly related to the on-site fueling station, as activities associated with commercial activities generally do not generate odor impacts. However, the air quality chapter concluded that exposure of sensitive receptors to Toxic Air Contaminants (TACs) associated with the proposed fueling station would not exceed the Placer

County Significant Risk Thresholds at the anticipated throughput of 9 million gallons per year. However, the PCAPCD requires a Health Risk Assessment (HRA) to be submitted and since an HRA has not been prepared for the project, impacts related to the proposed fueling station would be potentially significant. Because operational activities with the No Canal Street Access Alternative would be generally the same as those of the originally proposed project, TACs associated with the proposed fueling would be expected to remain the same under the No Canal Street Access Alternative, as compared to the originally proposed project.

Overall, because construction activities under the No Canal Street Access Alternative would remain generally unchanged from the originally proposed project conditions, the No Canal Street Access Alternative would have a similar impact in regard to air quality during construction activities as compared to the originally proposed project. However, because during operational activities the No Canal Street Access Alternative would result in higher traffic congestion at the Primary Access, thereby increasing emissions, the No Canal Street Access Alternative would result in a greater impact in regard to air quality than the originally proposed project during operational activities. It should also be noted that all air quality-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Street Access Alternative. In addition, although the No Canal Street Access Alternative is expected to generate greater air emissions, the required mitigation measures will still reduce the impacts to a less-than-significant impact, except for the significant and unavoidable impacts identified for the originally proposed project (and therefore for this alternative). The significant and unavoidable impacts regarding air quality are short-term impacts related to a temporary increase in NO_x emissions, cumulative impacts related to regional Air Quality, and cumulative impacts related to a cumulatively considerable incremental contribution to the global production of greenhouse gases. To the extent that the No Canal Alternative nevertheless has slightly greater air quality impacts than the originally proposed project, this is a tradeoff the Planning Commission is willing to accept in order to avoid other impacts and the land use controversies associated with the Canal Street access under the originally proposed project.

Noise

Noise impacts with the No Canal Street Access Alternative will vary slightly from those of the originally proposed project. The No Canal Street Access Alternative will reduce the amount of vehicular traffic along Canal Street by 138 maximum peak hour trips, which will result in a reduction in the ambient noise level in the Canal Street area, as compared to the originally proposed project. The DEIR determined that during operational activities, the originally proposed project would have less-than-significant impacts associated with increased traffic noise affecting sensitive receptors located east and north of the site. Therefore, this Alternative will also have a less-than-significant impact to adjacent sensitive receptors due to an increase in traffic noise. Activities associated with the construction of the originally proposed project will result in elevated noise levels, with maximum noise levels ranging from 77 to 85 dB at a distance of 50 feet. Because construction activities associated with the No Canal Street Access Alternative will be the same as those of the originally proposed project, noise during construction activities will also be the same.

On-site operational activities resulting from the originally proposed project that have the potential to exceed Placer County noise standards include: truck circulation, loading dock activities, trash compactor, rooftop mechanical equipment, parking lot activities, and the outdoor home/garden center public address (PA) system. The DEIR concluded that impacts that are considered potentially significant in regard to operational noise for the originally proposed project include truck circulation, loading dock activities, and parking lot sweeping activities. These impacts would be reduced to a less-than-significant level with the implementation of mitigation measures. The DEIR concluded that trash compactor noise, rooftop mechanical equipment, parking lot activity, and PA system in the Home/Garden Center would result in a less-than-significant impact during operational activities resulting from the originally proposed project.

Because activities during the operation of the originally proposed project would be to the same extent as the No Canal Street Access Alternative, impacts will also be similar.

Although the DEIR determined that the originally proposed project would ultimately have less-than-significant noise impacts with implementation of mitigation measures, impacts related to noise will be reduced even further under the No Canal Street Access Alternative because the only remaining public access location for the retail building will not be located in close proximity to residential areas. Overall, the No Canal Street Access Alternative will have fewer impacts in regard to noise than the originally proposed project. It should also be noted that all noise-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative.

Soils, Geology, and Seismicity

Soil, geology, and seismicity impacts with the No Canal Street Access Alternative will be similar to those of the originally proposed project. The total disturbance area will remain unchanged, resulting in a potentially significant impact in regard to erosion and sediment control. The project site is not located in a region of Placer County known for high seismic activity. In addition, the project could be exposed to underlying expansive soils, which would result in a potentially significant impact in regard to structural damage. Construction activities will result in the disturbance of on-site soils, as well as potentially increase soil-erosion processes. Because impacts related to soils, geology, and seismology are directly related to construction activities, and the extent of construction activities under the No Canal Street Access Alternative are generally the same as those of the originally proposed project, impacts will be equal. It should also be noted that all geology-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative.

Hydrology and Water Quality

Hydrology and water quality impacts resulting from the No Canal Street Access Alternative will be similar to those of the originally proposed project. For example, due to land disturbance from construction activities, short-term surface water quality impacts and alteration of the existing surface water runoff pattern would occur as a result of both the originally proposed project and this alternative. Similar to development of the originally proposed project, the No Canal Street Access Alternative will significantly increase the amount of impervious area, therefore altering infiltration and runoff rates, which is considered a potentially significant impact in the DEIR. In addition, the potential exists for urban runoff pollutants to enter and potentially pollute the local water systems. Because land disturbance with the No Canal Street Access Alternative will be the same as would have occurred under the originally proposed project, and hydrology and water quality impacts are directly related to land disturbance activities, impacts will generally be the same as those of the originally proposed project. Therefore, in regard to hydrology and water quality, the No Canal Street Access Alternative impacts will be the same as those of the originally proposed project. It should also be noted that all hydrology-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative.

Public Services and Utilities

Public service and utility impacts with the No Canal Street Access Alternative will be similar to those of the originally proposed project. For example, both the originally proposed project and the No Canal Street Access Alternative would result in a potentially significant impact to law enforcement, fire protection, and emergency services. The elimination of one access location would not change the need for increased law enforcement and fire services. Because the number of consumers visiting the retail center would be

the same as under the originally proposed project, water delivery impacts will remain unchanged as well. The DEIR determined that with proper off-site improvements and minor variations in pipe velocity, fire flow and water conveyance for the project site will be sufficient. However, the project applicant has not received an official water availability letter from PCWA stating that that agency has adequate water supply and system service capacity to serve the project site. In addition, because the originally proposed project would have created increased demand for wastewater disposal and would have required the construction of new wastewater infrastructure, a potentially significant impact would have resulted. Therefore, the No Canal Street Access Alternative will result in the same public service and utility impacts as would have occurred under the originally proposed project. It should also be noted that all public service and utility-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative.

Hazardous Materials and Hazards

Hazardous materials and hazard impacts with the No Canal Street Access Alternative would be similar to those of the originally proposed project. Both the originally proposed project and the No Canal Street Access Alternative would include the fueling station in the southeastern portion of the project site. Fuel would be stored on-site in underground storage tanks, which would dispense fuels via nine multipurpose dispensers (18 fuel pumps). Construction activities would involve the short-term use and storage of on-site hazardous materials that are common to construction-sites (fuels, solvents, etc.). Operational activities would include the routine handling of hazardous materials during the transportation, storage, and retail activities associated with the on-site fueling station. Due to the proposed on-site fueling station, potential impacts could result from spills, overfilling, leaks, or rupture of the underground storage tanks. Furthermore, the quantity of such materials sold onsite and potential spills could expose the public to significant hazards. Buildout of both the originally proposed project and the No Canal Street Access Alternative would include the same building and associated operational impacts. Therefore, Under the No Canal Street Access Alternative, impacts related to hazards and hazardous materials would remain the same as for the originally proposed project. It should also be noted that all hazard-related mitigation measures identified for the originally proposed project in Table 2-1 of Chapter 2, *Executive Summary*, of the Draft EIR will be required for the No Canal Access Alternative.

Mineral Resources

Mineral resource impacts with the No Canal Street Access Alternative would be similar to those of the originally proposed project. Like the originally proposed project, the No Canal Street Access Alternative will not result in a loss of mineral resources. The project site is not located within or near known former or active mining operations. The project site is not within a State-designated Mineral Resources Zone (MRZ). In addition, the PCGP and ABCP have designated the site for urbanization. Therefore, the Alternative would result in the same mineral resource impacts as the originally proposed project.

Socio-Economic

The No Canal Street Access Alternative would not alter the originally proposed project's conditions related to socio-economic impacts on the project site. Although the No Canal Street Access Alternative will impact existing businesses, the impacts will not result in urban decay. Urban decay is a compounding effect that can result from extended vacancy, deferred maintenance, and abandonment. The urban decay process generally takes several years to materialize fully and is reinforced by declining economic conditions in the broader market area. Urban Decay is generally not the result of a single property standing vacant for a short time in an otherwise vibrant market. The No Canal Street Access Alternative total retail sales will represent a fraction of the total Trade Area retail sales and up to 23 percent of the new retail demand in 2020. The new retail demand could exceed the retail sales volumes

for all scenarios in all retail categories except Furnishings & Appliances and Building Materials and Farm Equipment. Existing retailers unable to compete with the No Canal Street Access Alternative would close, creating retail opportunities for new tenants that could compete for the unmet retail demand in other retail categories. Under the No Canal Street Access Alternative, construction of the proposed building would include the same square footage as the originally proposed project. Similar to the originally proposed project, the No Canal Street Access Alternative would not result in urban decay or other significant socio-economic impacts. Therefore, the No Canal Street Access Alternative would result in the same impact related to socio-economic impacts as would the originally proposed project.

Finding: Implementation of the No Canal Street Access Alternative will meet all of the project objectives. Impacts under the No Canal Street Access Alternative will be similar for most of the issue areas, as compared to those of the originally proposed project. In addition, all mitigation required for the originally proposed project will be required to reduce the impacts of the No Canal Street Access Alternative to a less-than-significant level. However, the following significant and unavoidable impacts resulting from the originally proposed project will also result from implementation of this Alternative: short-term impacts related to a temporary increase in NO_x emissions; cumulative impacts related to regional Air Quality; cumulative impacts related to a cumulatively considerable incremental contribution to the global production of greenhouse gases; impacts related to lane queuing under the Short Term Plus Project Conditions scenario for northbound left turns at the intersection of SR 49/Dry Creek Road; cumulative impacts related to the SR 49/Bell Road intersection under the Cumulative Plus Project Conditions scenario; cumulative impacts related to arterial segments under the Cumulative Plus Project Conditions scenario; and cumulative impacts related to lane queuing under the Cumulative Plus Project Conditions scenario.

While the implementation of the No Canal Street Access Alternative will not reduce any significant Project environmental impacts below the CEQA thresholds of significance identified in the Draft EIR, less traffic congestion will occur on Canal Street and associated intersections such as the Bell Road/New Airport Road intersection because non-emergency traffic will not be able to access the site from Canal Street. However, traffic congestion will likely increase at the Primary Access location; yet implementation of the No Canal Street Access Alternative will result in only slight increases in delay at the SR 49 intersections with Luther Road and the Primary Access; and these increases will not be great enough to create significant impacts. Since the release of the Draft EIR for public review, the applicant has determined, with the County's support, to recommend approval of the No Canal Street Access Alternative rather than the originally Proposed Project. This decision is in large part a response to the concerns expressed by the public. The Planning Commission has therefore chosen to approve the No Canal Alternative in lieu of the originally proposed project. The No Canal Alternative is feasible within the meaning of CEQA and produces a lesser level of environmental impact.

Because the project now consists of the No Canal Street Access Alternative, the Project findings apply and no additional findings are required for the No Canal Street Access Alternative.

6.3 MIXED USE ALTERNATIVE

The Mixed Use Alternative would include an approximately 35 percent reduction in square footage associated with the project (i.e., the No Canal Alternative). Furthermore, the Mixed Use Alternative includes two separate retail buildings, one 64,300-square-foot building and one 35,700-square-foot building, rather than one 155,000-square-foot building as proposed for the project. The Mixed Use Alternative would eliminate the proposed fueling station and relocate proposed parking areas. Parking areas would be relocated from the southeastern portion of the site to the northwestern portion of the site, west of the 64,300-square-foot building. This alternative would have the same primary and secondary access points as those proposed for the project.

Buildout of the Mixed Use Alternative would include the development of 35 percent fewer commercial square feet than the project. Therefore, this Alternative would not satisfy Project Objective 1 – Develop a 155,000-square-foot retail building -- and, more importantly, would much less effective than the project in satisfying

Project Objective 3 – Provide a retail development that will result in a net fiscal benefit to Placer County providing new sales tax and property tax revenues. Similarly, the Mixed Use Alternative would be less effective than the project in implementing Project Objective 7 – Provide a retail development that will create new jobs. In short, a smaller project with less square footage selling goods means less tax revenue for the County and fewer jobs for area residents.

The Mixed Use Alternative would result in less environmental impacts related to the following issue areas: Visual Resources; Transportation and Circulation; Air Quality; Public Services and Utilities; Hazardous Materials and Hazards; and Socio-Economics. The Mixed Use Alternative would result in similar environmental impacts, as compared to the project, related to the following issue areas: Land Use; Biological Resources; Cultural Resources; Noise; Soils, Geology, and Seismicity; Hydrology and Water Quality; and Mineral Resources. The Mixed Use Alternative would not be expected to result in more environmental impacts for any of the issue areas.

Regarding Transportation and Circulation, impacts under the Mixed Use Alternative would be similar to those of the project. During operational activities, traffic impacts associated with the Mixed Use Alternative would vary as compared to those of the project. Trip generation data is based on square footage of the proposed building and, therefore, the approximately 35 percent decrease in square footage with the Mixed Use Alternative would result in fewer trips. Specifically, the Mixed Use Alternative would be expected to generate 4,482 daily trips, 102 of which would occur during the AM peak hour, and 420 of which would occur during the PM peak hour. When compared to the project, the Mixed Use Alternative would be expected to generate 2,852 fewer daily trips, and 164 and 207 fewer AM and PM peak trips, respectively. The project under the Discount Club would impact two intersections in the short-term plus project scenario and four intersections in the long-term scenario and the Discount Superstore would impact two intersections in the short-term plus project scenario and five intersections in the long-term scenario. Furthermore, the Mixed Use Alternative would potentially impact two intersections in the short-term scenario and four in the long-term scenario. Therefore, the Mixed Use Alternative would result in fewer intersection impacts as compared to the proposed Discount Superstore and the same for the proposed Discount Club. Therefore, overall, impacts related to transportation and circulation would be less with the Mixed Use Alternative as compared to the project. It should be noted, however, that impacts related to Transportation and Circulation would be expected to remain *significant and unavoidable*.

Regarding Air Quality, the Mixed Use Alternative would include construction and land disturbance activities to the same extent as the project. Because air quality impacts are directly related to construction activities and land disturbance area, the Mixed Use Alternative would be expected to have a similar impact during construction operations, as compared to the project, which was found to have a short-term significant and unavoidable impact related to an increase in PM₁₀ emissions. Under the Mixed Use Alternative, vehicle trips would not be significantly reduced as compared to the project, and congestion would be generally the same at the two access locations. Construction activities associated with the project would generate PM₁₀ emissions at a level (121.72 lbs/day) that would exceed the PCAPCD's significance threshold of 82 lbs/day. Operation of the project would not result in total predicted emissions of ROG, NO_x, PM₁₀, and CO that would exceed the PCAPCD threshold of 82 pounds per day, and the impact would therefore be less-than-significant. Projected ROG and NO_x emissions with the project are 76.76 and 51.62, respectively. Projected ROG and NO_x emissions for the Mixed Use Alternative are estimated at 24.17 and 29.57, respectively. In addition, projected PM₁₀ emissions for operation of the project are 80.01 pounds per day. Projected PM₁₀ emissions during operational activities under the Mixed Use Alternative would be 35.05 pounds per day, which is within the PCAPCD's allowable threshold of 82 pounds per day. The project's operation would result in the creation of 436.21 pounds per day of CO. Projected CO emissions under the Mixed Use Alternative are predicted to be 292.80 pounds per day, which is within the PCAPCD threshold of 550 pounds per day. Therefore, the Mixed Use Alternative would result in less of an impact related to ROG, NO_x, PM₁₀, and CO emissions, as compared to the project. It should be noted, however, that impacts related to Air Quality would be expected to remain *significant and unavoidable*.

Finding: Implementation of the Mixed Use Alternative would not meet one of the Project Objectives at all and would not be as effective as the Project in meeting two other Project Objectives. In particular, the Mixed Use

Alternative would not meet Project Objective 1 Develop a 155,000-square-foot retail building – because it would include 35 percent fewer commercial square feet than the project. More importantly, however, this reduction in scale, which yields relatively modest environmental impact reductions, would cause the Mixed Use Alternative to be far less effective than the project in meeting Project Objectives 3 and 7. Project Objective 3 is to “[p]rovide a retail development that will result in a net fiscal benefit to Placer County providing new sales tax and property tax revenues.” Project Objective 7 is to “[p]rovide a retail development that will create new jobs.” The project at its proposed size of 155,000 sq. ft. will generate substantially more sales tax and property tax than would be generated under the Mixed Use Alternative. Particularly given recent bad economic and fiscal times, the incremental difference in revenue between the project and the Mixed Use Alternative provides an enhanced opportunity for revenue, which could be used to help fund important County services that have come under budget cutting pressure in recent years such as public safety. Similarly, the Mixed Use Alternative would be less effective in creating new jobs than the project will be. Although the applicant does not yet have a tenant for its project, the applicant is an experienced retail developer with business relationships with major retail chains and is making substantial investments in the project in order to try to attract tenants from amongst these chains. If, as the Commission has reason to expect, the applicant succeeds in obtaining such a tenant, a store of 155,000 square feet will create more jobs than a mix of uses totaling 35 percent less space. Just as the recent economic recession has caused the County to be cognizant of the benefits of new tax revenues, the County is also aware of the societal and economic benefits of new jobs during this period of high unemployment. In short, the overall economic and fiscal benefits of the project are substantially greater than those of the Mixed Use Alternative.

For these reasons, the Commission has determined that specific economic, social, and environmental considerations render the Mixed Use Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).) As noted earlier, under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As also explained above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.) Here, after engaging in a reasonable balancing of the economic and fiscal benefits of the project against the relatively minor reductions in environmental impacts associated with the Mixed Use Alternative, the Commission has determined that the Mixed Use Alternative represents, in comparison, an undesirable public policy outcome, and thus is infeasible within the meaning of CEQA case law, and in particular the case of *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.

To the extent that the project (that is, the No Canal Street Alternative) has greater environmental impacts than the Mixed Use Alternative, the Commission believes they are acceptable, given the great lengths taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs, as set forth in the Statement of Overriding Considerations found below. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

7 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 5 of these CEQA Findings, the Final EIR concludes that the project (the No Canal Street Alternative), even with the incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause direct significant and unavoidable impacts related to the following:

- Impacts to lane queuing under the Short Term Plus Project scenario;
- Impacts related to a temporary increase in NO_x emissions;
- Impacts to intersections under the Cumulative Plus Project scenario;
- Impacts to arterial segments under the Cumulative Plus Project scenario;
- Impacts to lane queuing under the Cumulative Plus Project scenario;

- Cumulative impacts to regional Air Quality; and
- The project could potentially result in a cumulatively considerable incremental contribution to the global production of greenhouse gases.

Placer County, through the Planning Commission, has also adopted all feasible mitigation measures with respect to these impacts, which further lessens the impacts, but would not reduce them below a level of significance.

Under CEQA, before a project which is determined to have a significant, unmitigated environmental effect can be approved, the public agency must consider and adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Sections 15043 and 15093. As the primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, that agency must explain and justify its conclusion to approve such project through the statement of overriding considerations, setting forth the project’s general social, economic, policy, or other public benefits that support the agency’s informed conclusion to approve the project.

Placer County finds that the project meets the following stated project objectives – which have substantial social, economic, policy and other public benefits – justifying its approval and implementation, notwithstanding the fact that seven environmental impacts were not fully reduced below a level of significance:

The project will provide for the following:

- Provide a retail project that will provide a variety of products to serve an unmet demand of consumers in Placer County.
- Provide a retail development that will result in a fiscal benefit to Placer County providing new sales tax and property tax revenues.
- Provide a retail development in close proximity that will result in reduced travel lengths for Placer County residents.
- Provide a retail development that will create new jobs.
- Provide an infill retail project that will clean up a partially blighted site consisting of abandoned concrete slabs, pipes and retaining walls.

In addition, the following benefits are noted:

- The project will provide all necessary on-site infrastructure and contribute fair share funding to upgrade the County’s infrastructure.
- The project site is designated for commercial development in the PCGP and the ABCP.

Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in section 4 above.

8 CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, have eliminated or reduced, or will eliminate or reduce to a level of insignificance, all adverse environmental impacts, except for that described above in Section 5.

Taken together, the Final EIR, the mitigation measures, and the MMRP provide an adequate basis for approval of the Bohemia Retail Project (i.e., No Canal Street Access Alternative).